

Agenda

Environmental Protection Commission

September 16, 1996

10:00 AM

Wallace State Office Building, Fourth Floor Conference Room

Public Participation

10:30 A.M.

Agenda topics

1. Approve Agenda
2. Approve Minutes of August 19, 1996
3. Approval of 1998-99 Budget Request DECISION
Stan Kuhn (Information)
4. Landfill Alternatives Financial Assistance Program Contracts Teresa Hay (Decision)
5. Emergency Rule--Chapter 215--Waste Tire Management for County Grant Program Teresa Hay (Decision)
6. Monthly Reports Allan Stokes (Information)
- 6A. Amended Agreement with City of Decorah Allan Stokes (Decision)
7. Contract Approval - Nonpoint Source Pollution Control Projects Allan Stokes (Decision)
8. Contract Approval - Polk County Air Pollution Control Program Allan Stokes (Decision)
9. Contract Approval - UHL Agreement 1997 Allan Stokes (Decision)
10. Proposed Rule--Chapters 20, 21, 22, 23, 25 and 29, Air Quality Allan Stokes (Information)
11. Notice of Intended Action--Chapters 20 and 22, Revision of Potential to Emit for Emergency Generators Allan Stokes (Decision)
12. Final Rule--Chapter 23, Open Burning Allan Stokes (Decision)
13. Notice of Intended Action--Chapter 61, Water Quality Standards, Section 401 Certification of Section 404 Nationwide Permits Allan Stokes (Decision)
14. Emergency Adopted Rule--
~~Final Rule~~ Chapters 60, 62, and 63, Water Quality Allan Stokes (Decision)

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| 15. | Final Rule--Chapter 53, Protected Water Sources | Allan Stokes (Decision) |
| 16. | Final Rule--Chapters 65, 68 and 121, Navigable Waters and Manure Application | Allan Stokes (Decision) |
| 17. | Proposed Rule--Chapters 100 and 102, Special Waste Authorizations | Allan Stokes (Information) |
| 18. | Final Rule--Chapter 103, Sanitary Landfills | Allan Stokes (Decision) |
| 19. | Approval of Lein - Richard R. Hankenson and Richard R. Gaard | Allan Stokes (Decision) |
| 20. | Referrals to the Attorney General | Allan Stokes (Decision) |
| | a) Fred Humiston, dba Cedar River Trailer Park (Louisa County) - (TABLED) | |
| | b) ESCORP Associates, Ltd. and Arnold C. Olson (Monticello) | |
| 21A | - <i>RBCA Presentation</i> | <i>Keith Bridson (Information)</i> |
| 21. | General Discussion | |
| 22 | Address Items for Next Meeting | |

Next Meeting Dates

October 21, 1996
November 18, 1996
December 16, 1996

ENVIRONMENTAL PROTECTION COMMISSION

Monday, September 16, 1996

| NAME | COMPANY OR AGENCY | CITY |
|---------------------|---------------------------------|--------------|
| (PLEASE PRINT) | | |
| Regina Thiry | 5128 E Washburn Rd | Waterloo |
| Kristie Hirschman | 215 E. 7th DSM CA/O | Des Moines |
| Jane McAllister | Ahlert Law Firm | DSM |
| Scott Young | Bryaa Care | KCMO |
| PETE DUFFY | S.C.I.S.W.A. | Tracy |
| Amy Christensen | Sullivan & Ward | Des Moines |
| Chris Hess | U.S. EPA | KC |
| STEVE GUYER | IES Industries | Cedar Rapids |
| Andy Baumert | Iowa Pork Producers | DSM |
| Darlene Krue | LFB | DSM |
| Cathy Woolums | MidAmerican Energy | Davenport |
| Richard Kelley | UHL | DSM |
| Perry Beeman | DM Register | DSM |
| Elizabeth Henderson | IDEA | DSM |
| LARRY KALLAN | IOWA INSTITUTE FOR COOPERATIVES | Ames |

ENVIRONMENTAL PROTECTION COMMISSION

Monday, September 16, 1996

| NAME | COMPANY OR AGENCY | CITY |
|-------------------|--------------------------|-------------------|
| (PLEASE PRINT) | | |
| DAXI VEST | GROUMARK, INC | Blount County, TN |
| Sandy Greiner | House EPC | |
| Helen F Mahler | Sienna Club | D. M. |
| JACK SOENER | ABI | DM |
| Chris Gault | FB | WDSM |
| Patricia L. Lally | Lee Newspapers | DM |
| Julie Smith | IAMU | Ankeny |
| Chuck Hallix | Rockwell | CR. |
| D. R. Kula | " | " |
| Joe Robertson | Marshall County Landfill | Marshalltown, Ia. |
| Theresa Kuhse | IA Senate | Dee Momo. |

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File Name ADM-1-1-1 EPC Meeting
Senders Initials September 1996
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MINUTES
OF THE
ENVIRONMENTAL PROTECTION COMMISSION
MEETING

SEPTEMBER 16, 1996

WALLACE STATE OFFICE BUILDING
DES MOINES, IOWA

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MEETING MINUTES

CALL TO ORDER

The meeting of the Environmental Protection Commission was called to order by Chairperson King at 10:00 a.m. on Monday, September 16, 1996, in the Wallace State Office Building, Des Moines, Iowa.

MEMBERS PRESENT

Verlon Britt
William Ehm
Rozanne King, Chair
Dean McWilliams
Charlotte Mohr, Secretary
Gary Priebe, Vice-Chair
Terrance Townsend
Rita Venner

MEMBERS ABSENT

Kathryn Murphy

Commissioner Murphy phoned to say she has a conflicting meeting and will not be able to attend today's meeting.

ADOPTION OF AGENDA

The following adjustments were made to the agenda:

- Add: Item 6A - Amended Agreement with City of Decorah
- Add: Item 21A - RBCA Presentation

Motion was made by Terrance Townsend to approve the agenda as amended. Seconded by Charlotte Mohr. Motion carried unanimously.

APPROVED AS AMENDED

APPROVAL OF MINUTES

Motion was made by William Ehm to approve the meeting minutes of August 19, 1996, as presented. Seconded by Verlon Britt. Motion carried unanimously.

APPROVED AS PRESENTED

FINANCIAL STATUS REPORT - YTD DIVISION EXPENDITURES

Stan Kuhn, Division Administrator, Administrative Services Division, presented the following item.

Department staff are completing preparation of the FY98/99 budget request. The request is being presented to both commissions for approval in September. By statute, the EPC approves budget requests for the following divisions; Environmental Protection, Waste Management Assistance and the Energy and Geology division. In addition, the EPC approves the budget request relative to the Groundwater program.

The NRC approves budget requests for the following divisions; Fish and Wildlife; Parks, Preserves and Recreation; and Forests and Forestry. The NRC also approves the five-year Capital Improvements plan. Both commissions approve the budget requests for the Administrative Services division, and the Director's office. The budget request is due by statute at the Department of Management on October 1, 1996.

The staff is recommending the DNR continue operational programs at the current levels and that the adjustments as listed in the decision package priority list be included in the request as well.

The bulk of budget adjustments are contained in the Environmental Protection division's budget request. These reflect continuation of Waste Treatment tasks with State funds instead of federal funds; full general funding for the State's share of the Air program; expansion of the Air program funded through fees; full funding for the 9 FTE authorized for the Livestock program; and a modest increase in the Floodplains budget.

Full support is requested for the 4 FTE authorized in the Permit Assistance team within the Director's office. An additional Conservation Officer, funded by non-resident permit fees, and \$105,000 to fund sick leave payout upon officer retirement are changes to the Fish and Wildlife division's budget. All other operations programs are recommended to continue at the FY97 level.

Within capitals, a \$2 million increase (\$9 M to \$11 M) is requested for REAP. \$2.1 million is requested for the Marine Fuel tax program to increase Lake Restoration efforts. Staff expects to recommend a request for approximately \$3 million over three years to complete restoration of CCC and WPA park facilities. An additional \$7 million will be reflected in the five year capital plan to renovate other park facilities.

With the original brief, staff provided a draft of the operations priorities in priority order, and a summary description of the capital request recommendation.

Below is a summary of the requested appropriations and the operational decision packages.

DEPARTMENT OF NATURAL RESOURCES

Appropriation Request Summary, FY1998/99

| Appropriation Name | FY95 Actual | FY96 Actual | FY97 Budget | FY98 Request | FY99 Request |
|---------------------------------------------------|------------------------|------------------------|------------------------|-------------------------|-------------------------|
| General Fund Appropriations | | | | | |
| General Fund, Operations | 12,382,320 | 12,272,239 | 12,902,773 | 15,120,946 | 15,112,655 |
| REAP | 7,500,000 | 8,000,000 | 9,000,000 | 11,000,000 | 11,000,000 |
| Marine Fuel Tax, Operations | 411,311 | 411,311 | 411,311 | 411,311 | 411,311 |
| Marine Fuel Tax, Capitals | 1,600,000 | 1,600,000 | 1,800,000 | 2,100,000 | 2,100,000 |
| Marine Fuel Tax, County Grants | 200,000 | 200,000 | | | |
| Water Quality Protection | | 404,000 | 729,000 | 729,000 | 729,000 |
| Easter Lake Grant | 50,000 | | | | |
| Five Island Grant | 75,000 | 100,000 | | | |
| Backbone Park Improvements | | 500,000 | | | |
| Lake Ahquabi Park Improv. | | 184,000 | | | |
| Park Facilities Restoration | | | 3,000,000 | 2,100,000 | 2,064,500 |
| Total General Funds | 22,218,631 | 23,671,550 | 27,843,084 | 31,461,257 | 31,417,466 |
| Other Appropriations | | | | | |
| Fish & Wildlife Ops & Adm | 21,391,295 | 20,898,351 | 21,756,609 | 21,962,260 | 21,977,475 |
| Fish & Wildlife Capitals & Grants* | 5,718,150 | 4,500,000 | 4,102,000 | 5,545,000 | 5,225,000 |
| Groundwater Fund* | 11,177,792 | 11,428,226 | 11,600,000 | 11,600,000 | 11,600,000 |
| Oil Overcharge | 3,750,784 | 1,460,000 | 1,115,000 | 1,065,000 | 1,015,000 |
| UST Administration Match | 75,000 | 75,000 | 75,000 | 75,000 | 75,000 |
| Snowmobile Fee Transfer to FW | 100,000 | 100,000 | 100,000 | 100,000 | 100,000 |
| Boat Fee Transfer to FW | 1,571,590 | 1,200,000 | 1,200,000 | 1,300,000 | 1,300,000 |
| Total Other | 43,784,611 | 39,661,577 | 39,948,609 | 41,647,260 | 41,292,475 |
| Operations Expenditures | 56,574,680 | 57,627,508 | 65,458,139 | 66,683,603 | 66,692,492 |
| Staffing, Budgeted FTE | 948 | 971 | 999 | 1,007 | 1,007 |
| Staffing, Actual FTE | 931 | 938 | | | |

MFT grants to counties are included in Marine Fuel Tax capitals for FY97-99. Fish and Wildlife capitals and Groundwater accounts do not require annual appropriations. Federal and earmarked revenues with permanent or separate expenditure authority are not included in the above appropriations. For specifics regarding appropriation request and staffing increases, please refer to the division summaries and the decision package priority schedules. Please refer to the separate DNR Five Year capital plan for project

and funding detail related to capital improvements.

FY98/99 Operations Budget Decision Packages

| Description | General Fund | Other Funds | FTE |
|-------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|-------------|--------|
| 75% of current General Fund and FW operations, plus operations funded by federal and earmarked revenues | 9,903,612 | 46,804,929 | 808.91 |
| Restore staffing at 19 state parks to resume campground operation, park security and visitor services at intermediate park management levels. | 1,502,834 | | 24.00 |
| Restore Big Springs hatchery as well as statewide enforcement and public land management activities. | | 1,136,121 | 18.80 |
| Restore Floodplain programs by providing for state supervision of flood plain construction activities. | 308,248 | | 5.50 |
| Restore Yellow River, Stephens, Shimek state forest operations as well as forestry management assistance to land owners. | 175,570 | | 3.00 |
| Restore administrative support, license, finance, and data processing staff required to maintain basic support for essential departmental activities. | 413,503 | 477,071 | 19.00 |
| Restore gauging stations and geologic and hydrologic data used for development, management and conservation of water and mineral resources. | 319,593 | | 4.00 |
| Restore fire protection and urban forestry programs as well as 98% of the DNR's state forest management capabilities | 159,784 | | 3.83 |

| | | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------|---------|-----------|-------|
| Restore wildlife extension work with local landowners, fish management/stocking and law enforcement activities. | | 1,170,063 | 20.00 |
| Restore water withdrawal program by providing for state supervision of water use activities. | 121,167 | | 2.50 |
| Restore staffing at Volga, Backbone, and Lake Manawa to resume operations, park security, and visitor services at intermediate park management levels. | 108,455 | | 3.00 |
| Restore staffing at Beeds Lake, and Mines of Spain as well as part-time help to 14 other State Recreation areas to maintain recreation facilities. | 126,954 | | 5.00 |
| Restore sediment stations to monitor sediment (erosion) load of streams, and to restore collection and analysis of water-use data. | 50,000 | | 0.00 |
| Restore field information and education activities, resuming TV, radion, periodical and brochure contact with the public concerning DNR programs. | 51,380 | 62,798 | 2.00 |
| Restore Mississippi monitoring programs and fish and wildlife research activities as well as recreational safety programs. | | 1,222,781 | 17.80 |
| Restore state forest management activities to 100% of current FY96 level of service. | 50,000 | | 1.00 |
| Restore part-time help required to maintain day to day wildlife and fisheries facilities as well as boating navigation enforcement activities. | | 1,255,881 | 58.78 |
| Restore publishing support for brochures, magazine and news release preparation. | 18,837 | 23,022 | 1.00 |
| Restore media link electronic news release service. | 2,700 | 3,300 | 0.00 |
| Restore Millfoil Eradication Program | | 100,000 | 1.00 |

| | | | |
|---------------------------------------------|------------------|------------------|---------------|
| Total, Restoration Decision Packages | 3,409,025 | 5,451,037 | 190.21 |
|---------------------------------------------|------------------|------------------|---------------|

| Description | General Fund | Other Funds | FTE |
|--------------------|---------------------|--------------------|------------|
|--------------------|---------------------|--------------------|------------|

Packages 20-28 are "add-ons" or adjustments to FY98 Operations.

Wastewater operations and construction permitting and regulation. This request replaces Federal funds with State funds. Federal funds are no longer available.

| | |
|---------|----------|
| 768,620 | -768,620 |
|---------|----------|

Provide minimum State General funds to match Federal Air Quality grant. Replaces Hazardous Waste funds and toxics fee waiver used for match in FY97.

| | |
|---------|----------|
| 716,000 | -716,000 |
|---------|----------|

Livestock Confinement Regulation. Increases State General funds to fully support staffing level addition of 7 FTE in FY97. This level was authorized by the 1996 G.A., but not fully funded.

| |
|---------|
| 150,000 |
|---------|

Permit Assistance Team. Increases State General funds to fully support staffing level of 4 FTE and support level recommended by Compliance Review taskforce.

| |
|--------|
| 50,000 |
|--------|

Air Quality. Increase Title V staff to compensate for increased workload.

| | |
|---------|------|
| 200,000 | 5.00 |
|---------|------|

Floodplains. Increases staffing from 5.5 FTE to 7.5 FTE to decrease permit review and turnaround time. This increase will not fully allow EPD to meet all floodplains related Code requirements.

| | |
|---------|------|
| 110,000 | 2.00 |
|---------|------|

Parks and Recreation Areas. Increase equipment replacement budget from current \$230,000 level to \$480,000 level in order to replace aged maintenance equipment, i.e., tractors, mowers.

| |
|---------|
| 250,000 |
|---------|

State Forests. Increase equipment replacement budget by \$175,000 to replace several large items, i.e, dozer, etc. 175,000

Fish and Wildlife. Increase Conservation Officer staff by one position, funded by non-resident permit fees, as required by Code. 75,000 1.00

Fish and Wildlife. Provide contingency fund for officer retirement sick leave payout expense. 105,000

| | | | |
|---------------------------------------------|-------------------|-------------------|----------------|
| Total Add-Ons and Adjustments | 2,219,620 | -1,104,620 | 8.00 |
| Total Anticipated Operations Request | 17,751,877 | 50,046,726 | 1007.12 |

The above is a summary of the request. The commission was also provided the budget history and request by bureau and division, including staffing. The complete DNR budget request is submitted electronically and is available for inspection on the Budget system in the State's mainframe computer.

Mr. Kuhn presented details of the budget and priority schedule. He reviewed the Commission's approval authority regarding the EPD, Energy, Administrative Services and WMA division budgets. He expanded on the individual budget for each division. Mr. Kuhn noted that there is concern among the affected parties with the air toxics fees in that they feel they are paying for the entire air program and it is not fair for them to carry the whole burden.

Discussion followed regarding the phasing out of Oil Overcharge Funds.

Motion was made by William Ehm to approve the FY 98/99 Budget Request as presented. Seconded by Charlotte Mohr. Motion carried unanimously.

APPROVED AS PRESENTED

Gary Priebe asked if retirement benefits are included when calculating money for FTE's.

Mr. Kuhn stated that the IPERS benefit does not affect the budget but the Conservation Officers receive pay for unused sick leave as well as vacation time when they retire. He related that the department is asking that those sick leave costs be built into the budget this year.

LANDFILL ALTERNATIVES FINANCIAL ASSISTANCE PROGRAM CONTRACTS

Teresa Hay, Division Administrator, Waste Management Assistance Division, presented the following item.

From the round of thirty-five applications submitted the first Monday in June 1996, nine applications were selected to receive a total award of \$1,766,944. Of the selected projects, five applicants are awarded grants and four applicants are awarded zero interest loans.

The following provides a brief description of seven of the nine selected projects. Contracts for the seven projects described below are attached. Of the remaining two contracts, one is being prepared and the other award is for an amount less than \$25,000.

| | |
|----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Applicant: | W.G. Block Company -- Judi Brooks -- 319-326-1651 317 E. 4th Street P.O. Box 3010 Davenport, Iowa 52808-3010 Scott County |
| Project Type: | Recycling - Waste Concrete |
| Award: | \$90,498 - Loan |
| Description: | The applicant will implement a system to recover sand and aggregate from concrete paste at the end of each load. The project involves unloading waste concrete from their trucks into a large cylinder of rotating screens. A spray bar at the center of this cylinder separates the sand and aggregate from the concrete paste mixture. Once separated, the washed aggregate passes to the end of the cylinder via the rotary action of the screens where it falls into a hopper and is stockpiled for removal to the ready mix plant for reuse. The sand is washed through the screens and is flushed to the base of an inclined screw where it is dewatered as it is conveyed to a stockpile for removal to the ready mix plant for reuse. The remaining slurry is directed to a series of settling ponds where the cement settles out and can be used as construction fill material. The waste water will be reused to wash out the trucks and in the reclamation process. |
| | It is estimated that the applicant will recycle 4,800 tons of waste concrete annually and realize a significant economic savings through avoided disposal costs and avoided sand and aggregate purchases. Financial assistance is awarded for equipment and building and utility modifications. |
| | The applicant has not received previous financial assistance through this program. |

| | |
|----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Applicant: | Floyd-Mitchell Solid Waste Management Agency-- Betty McCarthy -- 515-732-5861 3354 330th Street P.O. Box 32 Osage, Iowa 50461 Mitchell County |
| Project Type: | Education - Waste Reduction and Recycling |
| Award: | \$32,560 - Grant |
| Description: | The applicant is proposing to develop and implement a comprehensive education program on waste reduction and recycling in Floyd, Mitchell and Chickasaw Counties in an effort to reach the 25% reduction goal. This comprehensive education program will target the general public, schools, business, industry and governmental agencies. As part of the program, a speakers bureau will be developed including solid waste officials, solid waste haulers, recycling center representatives, etc. The applicant also proposes to develop curbside recycling programs, |

including unit-based programs, in communities that do not currently have such a program. Financial assistance is provided for educational materials and presentations.

The applicant has not received financial assistance through this program.

Applicant: Elderbridge Agency on Aging -- Jeanne Beatty -- 515-424-0678
22 North Georgia - Suite 216
Mason City, Iowa 50401-3435
Cerro Gordo County

Project Type: Waste Reduction - Reusable Meal Program

Award: \$87,232 - Grant

Description: The proposed project involves improving and initiating reusable meals programs in 20 north central and west central Iowa counties. The applicant is responsible for the daily preparation of 3,000 meals at 59 different locations (750,000 meals annually). Meals are served at congregate meal sites as well as home delivered meals. Goal is to reduce by 66% the daily generation of solid waste, from three 30 gal trash bags to one 30 gallon trash bag per site per day in addition to the daily reduction of solid waste generated through the 1,000 home delivered meals served daily.

The applicant has not received previous funding through this program.

Applicant: Bioengineering Resources, Inc. -- James Gaddy -- 501-521-2745
1650 Emmaus Road
Fayetteville, Arkansas 72701

Cryotech Deicing Technology -- Kenneth Johnson -- 319-372-6012
6103 Orthoway
Fort Madison, Iowa 52627-9415
Lee County

Project Type: Research and Development/Demonstration -- Manufacture of Environmentally Friendly Acetic Acid Deicers From Municipal Solid Waste

Award: \$592,680 - Grant

Description: The applicant, in a joint \$13 million project with Cryotech Deicing Technology and Great River Regional Waste Authority both of Fort Madison, is proposing to construct a system that will produce calcium magnesium acetate (CMA) and potassium acetate (KA) from organic municipal solid waste at the Cryotech facility. CMA and KA are deicers designed to replace the use of environmentally destructive rock salt and glycol on roads and runways. MSW received at Great River Regional Waste Authority's landfill in Fort Madison will be sorted, removing recyclables and non-organics before it is processed and delivered to Cryotech. Once received at the project site, the material will be gasified to produce a synthetic gas (predominantly carbon monoxide, hydrogen, and carbon dioxide). These gases are then converted to acetic acid through a fermentation process in a biological reactor. Finally, CMA and KA are produced by a reaction of acetic acid with lime or potassium hydroxide. Cryotech currently has a major market share worldwide in road and runway deicers and the cost of manufacturing acetic acid deicers has limited their manufacture and use. Economic projections of the project indicate that CMA and KA can be marketed at a price comparable to rock salt and glycol. When considering such factors as corrosion resulting from the use of rock salt and the environmental hazards of glycol, the cost of CMA and KA is considerably less.

The project is expected to be operational in the spring of 1998, will create approximately 20 high-tech employment opportunities and will initially require 50 tons of processed MSW daily

from Great River Regional Waste Authority. At full scale, the project will require over 320 tons per day of processed MSW. Financial assistance is required for equipment selection and purchase and tipping floor expansion.

Bioengineering Resources, Inc. and Cryotech Deicing Technology have not received previous financial assistance through this program.

Great River Regional Waste Authority has received 2 previous awards serving a 3 county area. These awards are outlined below.

| | | |
|---------------|-----------|------------------------------------------------------------------------------------------------------------------------------------------------------------|
| June 1992 | \$195,185 | To expand the recycling center and provide additional curbside, drop-off and commercial recyclables collection. |
| December 1994 | \$102,625 | The purchase of a wood waste grinder to expand the successful wood waste recycling program and expand marketing agreements with other solid waste agencies |

Applicant: Dubuque Metropolitan Area Solid Waste Agency -- Paul Schultz -- 319-589-4250
925 Kerper Boulevard
Dubuque, Iowa 52001
Dubuque County

Tellus Institute -- David McAnulty --617-266-5400
11 Arlington Street
Boston, Massachusetts 02116

Project Type: Research & Development/Demonstration - Local Analysis of Solid Waste Management Systems

Award: \$78,354 - Grant

Description: The applicants (Dubuque Metropolitan Area Solid Waste Agency and Tellus Institute) along with Iowa Northland Regional Council of Governments, Rural Iowa Waste Association and Harrison County Landfill Commission are proposing to demonstrate a computer based software program that will enable local solid waste officials to track solid waste generation, solid waste landfilling, develop new and modify existing programs for diverting solid waste from the landfill based on computer modeling. The project will demonstrate how local programs could be modified and provides expected results of the modifications without incurring study and analysis costs or implementing program modifications without fully understanding the consequences and costs. Once the project has been implemented in the four demonstration areas, results will be presented at an ISOSWO conference, the computer software will be given to all solid waste planning areas and a two day workshop will be conducted to provide planning area representatives experience in the use and application of "WastePlan" and to build models of their local waste management systems for evaluating solid waste planning issues. Financial assistance is provided for labor and travel.

Rural Iowa Waste Association and Tellus Institute have not received previous funding through this program.

Dubuque Metropolitan Area Solid Waste Agency has not received previous financial assistance. However, the City of Dubuque received a previous award and is outlined as follows:

| | | |
|---------------|-----------|------------------------------------------------------------|
| December 1991 | \$274,650 | To implement curbside recycling serving 18,000 households. |
|---------------|-----------|------------------------------------------------------------|

Harrison County Landfill Commission has received 2 previous awards that are outlined below:

| | | |
|---------------|----------|----------------------------------------------------------|
| December 1992 | \$50,130 | To implement a county wide recyclables drop-off program. |
| December 1995 | \$1,814 | To implement a comprehensive education on waste |

reduction and recycling.

Applicant: South Central Iowa Solid Waste Agency -- Pete Duffy -- 515-828-8545
1305 East Walnut 1736 Highway T17
Tracy, Iowa 50256
Marion County

Project Type: Public Education - Waste Reduction and Recycling Program Development

Award: \$269,400 - Grant

Description: The applicant is proposing a well developed four-year education project on integrated solid waste management targeting specific sectors (residential, industrial, commercial and institutional) for the four county planning area (Marion, Lucas, Monroe and Poweshiek Counties) to assist in meeting the 25% reduction goal. An environmental education specialist will be hired to develop and implement a variety of education programs and special events, unit based pricing programs, seminars, surveys, speakers bureau development, etc. Financial assistance is provided for wages, education materials and travel.

The applicant has not received previous funding through this program.

Applicant: Carroll County Solid Waste Management Commission -- Jim Ulveling/Mary Wittry -- 712-792-5001
19111 Kittyhawk Avenue
Carroll, Iowa 51401
Carroll County

Project Type: Recycling - Recycling Center Expansion and Equipment Addition

Award: \$400,000 - Loan

Description: The applicant is proposing to expand the recycling center by constructing a building addition to house a new elevated paper sorting line and multi-material baling line. This project was identified as the preferred method for increasing processing capacity and improving worker safety after conducting an alternative management options study on the facility. Through planning efforts and a waste sort at the landfill, the applicant identified a significant amount of recyclable materials remaining in the waste stream. A goal was established to capture an additional 4,850 tons annually, principally fibre materials. However, the existing recycling facility cannot effectively or safely accept additional fibre materials. The applicant will target generators of fibre waste and provide education/outreach to those generators as a means of increasing recycling participation. The applicant currently provides recyclable material processing for a six county area and with the project, the applicant will be in a position to process the targeted materials and market processing services to other solid waste agencies/counties.

The applicant has received three previous awards through this program. This project will enable the applicant to increase the amount of recyclables processed at the recycling center and support the integrated solid waste management approach of the applicant. Previous awards are outlined as follows:

| | | |
|---------------|-----------|----------------------------------------------------------------------------------------------------------------------------------------------|
| Fall 1989 | \$181,600 | Expand a small drop-off recycling program in the City of Carroll to include curbside recycling and drop-off locations throughout the county. |
| December 1993 | \$83,700 | To initiate a regional wood waste recovery and processing program. |
| June 1995 | \$29,250 | To purchase a baler dedicated to the plastics sorting line. |

At this time, seven (7) contracts in excess of \$25,000 are presented to the Commission for approval.

(A copy of the Scope of Work for each project is on file in the department's Records Center)

Ms. Hay reviewed details of each contract.

Discussion followed regarding the W.G. Block Company project and Commissioner Priebe indicated that he would later like to have a status report on this project.

Terrance Townsend commented that he is not sure the South Central Iowa Solid Waste Agency project is a wise use of money, noting that the Director of the agency could be doing some of the work involved.

Ms. Hay explained that this project is for an entire planning area, which covers four counties, and education is a primary part of the four year project. She noted that the planning area is one that did not achieve the 25% waste reduction goal.

Pete Duffy

Pete Duffy, Director, South Central Solid Waste Agency, stated that 20% of his time will be spent on this project as will a portion of time from some of his current office help. He related that rather than build a new facility and make it government run, he believes in letting private industry take care of the recycling, and the waste agency will work with the haulers, processors, institutions, schools, and government agencies to educate the public on volume reduction and waste reduction and recycling. He noted that he has a four county area and a four county landfill that buries 50,000 ton/year and that takes a lot of his time. Mr. Duffy added that he is very committed to reaching the 50% waste reduction goal and this project will be a big help in doing so.

Discussion followed regarding various aspects of the Floyd-Mitchell County Solid Waste Agency grant, the Elderbridge Agency grant, and the Dubuque Metro Solid Waste Agency grant.

Motion was made by Charlotte Mohr to approve the Landfill Alternatives Financial Assistance Program Contracts as presented. Seconded by Verlon Britt.

Chairperson King requested a roll call vote. "Aye" vote was cast by Commissioners McWilliams, Mohr, Priebe, Venner, Britt, Ehm, and King. "Nay" vote was cast by Commissioner Townsend. Motion carried on a vote of 7-Aye to 1-Nay.

APPROVED AS PRESENTED

PUBLIC PARTICIPATION

Amy Christensen (air program budget)

Amy Christensen, representing Iowa electric utilities, distributed copies of the following written statement she presented.

Air Budget Concerns and Status Report
Environmental Protection Commission
September 16, 1996

I am Amy Christensen, and I am speaking today on behalf of the Iowa electric utilities. We want to update you on discussions we have had with department staff about our concerns and questions regarding the air budget.

\$2,055,627 Balance Forward FY96 to FY97

The budget shows a balance forward from FY 96 of \$2,500,000. After subtracting bills and Title V fees which were paid early, the true balance forward is a little over \$2 million. Some of this balance forward is due to budget items which were not spent in FY96, but will still need to be spent in FY97. However, some of the items are just budget items which were not spent and will not need to be spent.

In May 1996, the DNR indicated the balance forward would be \$488, 733. The fee of \$22.10 was based partly on this estimate. With a much more significant balance remaining, it appears that the Title V sources have overpaid fees. This balance puts us in a difficult position when requesting a general fund appropriation from the legislature.

The department has agreed to calculate how much of the \$2 million is due to items which will need to be purchased in FY97. After subtracting that amount from the \$2 million, and after subtracting the \$488,000 which was the balance forward shown in the May budget, because that amount was built into the FY97 approved budget, we will have some net amount. The department has agreed to discuss with us whether to refund this overpayment or provide a credit on next year's fees.

Increase in FY 97 budget by \$1,457, 215 from May 96 to Aug 96

We are very concerned about the process of setting the budget. IDNR rules provide that a budget for the following fiscal year will be submitted to the EPC no later than March, and you will approve it in May and set the fee based on that budget. In May 1996, you approved an air budget totaling \$6,954,529 for FY97 (the current fiscal year). However, the budget the department staff gave us for FY 97 on August 23, 1996, has increased to \$8,411,744. The only change to the budget approved by you was an increase in July in the amount of \$102,500 for the Wang/Radian contract. We are concerned that the department has changed the budget without bringing it to your attention and ours. We believe the department should be bound by the budget as approved by you in May for the current fiscal year.

We are particularly concerned that many line items in the Title V Cost Center which relate to the computer imaging system and computer use have dramatically increased. For example, the EDI contract is up from \$170,000 to \$400,000, the Interagency Agreement with Prison Industries is up from \$96,600 to \$300,000, the Computer purchase line item is up from \$112,000 to \$152,000, and the Data Management System Contract is up from \$296,800 to \$400,000. We are also concerned about the increase in office equipment and furniture from \$20,055 in May to \$520,000 in August.

We have discussed our concerns with staff. The department went through the budget and explained changes to us last Thursday. Staff has agreed to provide us with additional information about the changes which was not able to be prepared for Thursday's meeting. A few of the changes are due to increased site visits and compliance assistance activities, and we support those. Many of the explanations for changes were that the

department didn't have complete information in May, and now they have better information. With regard to the computer imaging system, the EDI line item is because the system will accept computer disk filing, but will not accept true electronic filing computer to computer, and the department says it will take another \$400,000 to add this capability. The Prison Industry contract has gone up to \$300,000 because that is the most current price, and this number is also an estimate. We remain concerned about the cost and the effectiveness of the computer management system. Mr. Hamlin agreed to call a meeting soon with our computer people to discuss the changes and progress of the system.

You will notice that the office equipment and furniture line item went up from \$20,000 in May to \$520,000 in August. The staff said this is because in May they did not know they would be moving to the Ingram building, and this is the amount they need for furniture. This amount seems high to us. We asked why this amount was entirely charged to the Title V program, since it is for the air bureau as a whole. Also, they currently have furniture in the Wallace Building which they will leave when they move, and we believe there should be a credit given to the air program when other bureaus take the furniture.

Our big concern, though, is that the department staff view the air budget as a fluid, changing budget, and they do not believe they need to come to you with changes unless there is a change to the amount of the Title V fee or a contract which needs to be approved. We think there should be oversight by the EPC and accountability by the department for changes to the budget. We are not talking about moving a few dollars around from budget item to budget item, but when there is a change to the total amount like the \$1.5 million change from May to August, we think staff should have to come back to you for approval and discussion of why the changes are reasonable and necessary. We ask you to set up a system so this is done.

Mr. Stokes has agreed to set up monthly meetings at a set time and date for us to attend, and they will provide updates on changes to the budget, progress of the computer data management system, and program and staffing updates. Perhaps the commission would like to have a member attend these meetings. We appreciate the department setting up these meetings, and we remain concerned about the process of setting the budget, and the lack of oversight and accountability.

Separation of the Title V Program in the Budget

The Clean Air Act and state law require Title V fee payers to pay for the reasonable cost to run the Title V program, not for the entire air budget. We have asked, and the department has agreed to prepare, a budget which clearly separates the Title V expenses from the remainder of the program. We have given staff a list of detailed questions about this separation, and staff has agreed to give us written answers and discuss this with us further. We need this clear separation so we can go to the legislature with good data about what the department needs for a general fund appropriation.

FY 98 Budget and Balance Forward in FY 98 and Beyond

We have questions about the FY 98 budget, and we have given them to staff. Staff has agreed to give us written answers to those questions, and to discuss them with us. They have also said you are not approving the FY 98 budget today, but only the amount of the general fund appropriation to be requested from the legislature.

The program has consistently had large balances forward from year to year, and this is a significant cost to us. We support a budget with a zero balance forward, or at least something much closer than has been done before, and staff has agreed to discuss this further with us and prepare the budget this way.

Waiver of Requirement that Title V Fees May Not Be Used for the State Match

Up until this point, we all believed that this was the last year the department could request a waiver of the requirement that Title V fees not be used for the state match for the federal air grant, and we had to get a general fund appropriation during the 1997 legislative session. In our discussions with staff, we have realized that the department will have the ability to request a waiver for another year beyond this one. Therefore, this next

legislative session is not the drop dead session. However, the requirement that Title V fee payers only pay for the Title V program remains, so it would be reasonable for you to go forward with your plans to request a general fund appropriation for the other parts of the air program during the 97 legislative session.

We want this budget process to work. We appreciate the meetings department staff have had with us to date. We also believe there should be oversight of the budget by the EPC, and accountability by staff when they change the bottom line. We ask you to set up a process so this can be accomplished. Thank you.

Chris Hess (retroactive construction permit exemptions)

Chris Hess, Iowa State Coordinator for EPA Region 7, stated that he is responsible for approving modifications to the State Implementation Plan (SIP) for Iowa which is known as the federal rulemaking process. He noted that once the Commission adopts rules and they are submitted to EPA he writes the technical analyses and the Federal Register notice for the rules to become federally enforceable. He related that some parties came before the Commission at the August EPC meeting regarding the matter of retroactive construction permit exemptions based on a July 29 proposal published by EPA in the Federal Register. They expressed concern that the proposal is not approving retroactive exemptions which were adopted by the EPC on 4/15/96. He related that there is a desire among the DNR, ABI, DED, and others to approve the 4/25/96 exemptions, but it is an impossible task as part of the current federal rulemaking. He stated that it is not an impossible task because of EPA policy, although they do object to retroactive exemptions as a matter of principle, but it is a matter of procedure. He noted that the retroactive exemptions are not part of the current federal rulemaking that was published on 7/29/96, adding that the exemptions themselves are but not the retroactive ones. Mr. Hess stated that the 7/29/96 proposal is based on a variety of rules (SIP revision) submitted by the state in February that predates the adoption made by the Commission of the retroactive exemptions. He noted that the retroactive exemptions the Commission adopted on 4/15/96 have not been submitted to EPA, and as a procedural matter the EPA cannot act on what has not been submitted. He indicated that the issues have been somewhat confused because the Federal Register notice refers to the retroactive exemptions as a matter of clarification rather than a matter of approval. Mr. Hess related that even if the letter mentioned on August 19, sent by the DNR, had not been received by EPA they still could not act on the retroactive exemptions since they came after the February submissions and have not been submitted for EPA approval. He noted that based on a meeting between DNR and senior management representatives of Region 7, the public comment period will be reopened for 30 days on the federal rulemaking. He requested that no comments be submitted during the public comment period because EPA cannot act on the retroactive exemptions as part of the rulemaking, and it will further delay the rules EPA is acting on in the 7/29/96 submission. He emphasized that those rules contain issues related to Muscatine and the state's ability to have a federally approved SIP for that area. Mr. Hess recommended that if retroactive exemptions are desired by Iowa, the 4/15/96 rules should be submitted by the state to EPA for approval. He related that if comments are submitted during the next public comment period it will delay the federal enforceability of other construction permit exemptions.

Terrance Townsend commented that Dennis Grams, in the meeting with DNR and interested parties, indicated that people should comment on the proposed rules.

Jack Soener (air program budget)

Jack Soener, Association of Business and Industry, complimented Al Stokes, Pete Hamlin, and their staff for working with industry on the air budget issues and new process of paying fees. He related that industry will continue to work with the department and make sure that the program and facilities are neither a cadillac approach nor a horse-and-buggy approach, but that it will be a well run operation. He related that they will expect efficiency, effectiveness, and a program with prompt service to the business and industry community.

Regina Thiry (Washburn sewage treatment project)

Regina Thiry, Waterloo, distributed a packet of information in regard to Thiry Lake and the Washburn sewage lagoon project. She stated that the first letter she received from the Economic Development Administration (EDA), in response to her concerns on this project, stated that they must wait for EPA to issue a Certificate of Adequacy of Treatment before the project can proceed. She related that she sent documentation letters to EPA so they would have both sides of the story when making their decision on the certificate. Mrs. Thiry noted that on September 6, the EPA informed the EDA that they were not able to issue the certificate because they had some concerns with the project about what would happen to the water quality on the Thiry's property. She related that on that same day the EDA decided there was a new way to interpret the law and they would not have to require the certificate, and Black Hawk County could go forward with the project but they are requiring them to construct a wetland. She added that the third letter in the packet is a response from the EPA saying that due to the information they have, they are not able to give a Certificate of Adequacy of Treatment on this project. She pointed out a statement EPA made saying there is the potential for a lowering of water quality in the downstream lake such that the existing beneficial uses could be eliminated. Mrs. Thiry stated that the county is starting to build the wetland and her property will receive the effluent, and she asked the Commission to direct the department to review the information from EPA and do something to help her.

Brief discussion followed regarding the general use classification of the stream.

Terrance Townsend commented that EPA has some of the same concerns the Commission had several months ago in their discussion.

Mr. Stokes stated that the Thiry Lake problem revolves around the question of whether it is a lake or a wide spot in the river. He indicated that DNR staff have personally visited the site, gathered data, and knowing what the conditions are, came to the conclusion that a general use classification is appropriate for that stream. He related that what some perceive to be a lake is nothing more than a wide spot in the river, and that was the basis for the issuance of the permit to the facility. Mr. Stokes stated that EPA without ever having been on site, without a rigorous review of the water quality data, without going through the work and having the background and knowledge the DNR staff has had on the issue, muses that because they call it Thiry Lake maybe

it is not properly classified, and if it is not properly classified maybe the permit is not appropriate. He related that staff are trying to find out from EPA water quality staff how they can sit down in Kansas City without the needed background and knowledge on the issue and determine whether Thiry Lake is properly classified. He noted that if EPA feels the State Water Quality Standards are inappropriate or a classification of a stream reach is inappropriate, they can raise formal objections at the time a permit is issued, and they have not done that. Mr. Stokes indicated that the matter seems to be an issue at the federal level between the EDA and the EPA and their procedure as it relates to the release of funds.

Chairperson King asked if there is a reduction in the number of acres to the wetland whether it will work as intended.

Mr. Stokes stated that the department has not received the wetland plans but he can provide that information when the plans are received.

Mrs. Thiry displayed a map showing the location of Thiry Lake and the location of the river and indicated that EPA noted in their letter that the lake will act as a retention system and the effluent will not quickly flow through her property.

Mr. Stokes, referring back to Chris Hess's statement during public participation, clarified that DNR did submit a copy of the rules to address retroactivity. He related that the department was told by EPA that they could not approve the retroactivity and that is where the department, in order not to hold up the rulemaking on the other issues, proceeded with the first set of rules. He noted that when Mr. Grams recently met with the department he encouraged people to provide comment on the rules. Mr. Stokes pointed out that no one at DNR had heard anything about the rules not being technically submitted until Mr. Hess stated that in his earlier comments. No one heard about the process to follow to submit the rules technically, and not to comment on the rules because it could cause problems for approval of the other issues. Mr. Stokes related that the Commission is seeing a primary example of EPA covering their flanks from a procedural standpoint with that type of maneuver, as well as with the letter on Thiry Lake where at the eleventh hour they send a letter based on zero information and zero first hand knowledge. He stated that he objects, not to Mr. Hess appearing before the Commission, but that only now staff are finding out the new procedural problem. He related that he hopes that once DNR staff correct the procedural problem that they do not run into policy problems on approval of the retroactivity.

Chairperson King asked when the rules were submitted to EPA.

Mr. Stokes stated that the first draft was submitted in October 1995 when the Commission took them out to public comment, and again in January 1996 after the EPC adopted them. He related that staff will correct the procedural process and resubmit that set of rules.

Chris Hess stated that the rules have not been submitted to EPA for approval under the signature of Larry Wilson, and EPA cannot act on something that has not been submitted under Director Wilson's signature. He related that EPA reviewed drafts of the rules. Mr. Hess

stressed that EPA is trying to accomodate the state but if it does not come under Larry Wilson's signature, it is not submitted to EPA.

EMERGENCY ADOPTED RULE--CHAPTER 215, WASTE TIRE MANAGEMENT FOR COUNTY GRANT PROGRAM

Teresa Hay, Division Administrator, Waste Management Assistance Division, presented the following item.

The Iowa General Assembly adopted comprehensive waste tire management legislation, HF 2433, earlier this year. One of several components included is a grant program for counties that provides for safe collection and proper management of waste tires at the community level. This will be accomplished through the allocation of grant moneys from the waste tire management fund to county boards of supervisors or to designees of each board for which an application has been approved. Designees may include public or private entities. The grant will be used for establishing and implementing local waste tire management programs, including the designation and operation of a site or sites within each participating county for the collection of waste tires without charge from eligible parties.

- Annual funding for the program will be available over a six-year period as follows:
 - July 1, 1996 to June 30, 1997: seven hundred thousand dollars;
 - July 1, 1997 through June 30, 2001: one million dollars each year; and,
 - July 1, 2001 to June 30, 2002: seven hundred thousand dollars.
- The maximum grant amount available to a county each year is based on the population of the county (as documented in the 1990 census) as follows:
 1. Counties with populations of less than 60,000 may receive up to \$15,000;
 2. Counties with 60,000 but less than 110,000 may receive up to \$30,000;
 3. Counties of 110,000 but less than 200,000 may receive up to \$50,000;
 4. Counties with populations of 200,000 or more may receive up to \$65,000.

Grants are awarded for a single fiscal year and counties must re-apply annually for continued funding.

The date by which counties must apply to the department for funds (August 14), when the department must make a determination on success of those applications (October 1) and the date by which distribution of the funds must be made (January 1) were also specified in the legislation. Because of the time restrictions associated with the rule making procedures necessary to establish the criteria for the grant applications, the submittal deadline of August 14 was not attainable. However, it is the department's intention to comply with the January 1st grant disbursement date.

As such, the Commission is requested to approve the attached rules for an emergency filing.

These administrative rules define eligible programs and grant costs, specify how grant dollars will be allocated, how additional awards may be requested and unexpended funds retained, and delineate the necessary criteria for an application for funding. The rules also establish selection criteria, totaling 100 points, and provide for 5 bonus points for regional programs (those applications submitted for two or more counties). The requirement for submission of annual reports is also included.

It is the intention of the department to reconsider these rules after the initial disbursement of funds in January 1997 in order to allow full public comment on the rules for future funding rounds.

ENVIRONMENTAL PROTECTION COMMISSION (567) **Adopted and Filed Emergency**

Pursuant to the authority of Iowa Code section 455A.6, the Environmental Protection Commission adopts Chapter 215, "Waste Tire Management County Grant Program," Iowa Administrative Code.

These rules establish a waste tire management county grant program to promote the safe collection and proper management of waste tires at the local community level. Grant moneys from the waste tire management fund created in 1996 Acts, House File 2433, section 3 (Code section 455D.11C) will be allocated on an annual basis over six fiscal years commencing in 1997, to county boards of supervisors or to designees of each board for which an application has been approved. The criteria for evaluating and approving or denying grant applications are described in the chapter. Grant moneys awarded to approved applicants shall be used for the establishment and implementation of local waste tire management programs.

In compliance with Iowa Code section 17A.4(2), the Commission finds that notice and public participation are impracticable and contrary to the public interest because this would delay disbursement of the grant allocations beyond the January first date specified in Iowa Code section 455D.11D(3)"b".

The Commission finds, pursuant to Iowa Code section 17A.5(2)"b"(2), that the normal effective date of the rules, 35 days after publication, should be waived and the rules be made effective upon filing. These rules confer a benefit on the public by setting procedures to award grant moneys for use by counties.

The agency is taking the following steps to notify potentially affected parties of the effective date of the rules: publishing the final rules in the Iowa Administrative Bulletin; providing free copies on request; and, directly mailing copies along with the grant application form to all board of supervisors, county health departments, regional planning councils, and regional and county solid waste agencies.

These rules are intended to implement 1996 Iowa Acts, House File 2433, sections 3 and 4.

These rules become effective immediately upon filing on September 20, 1996.
The following rules are adopted.

CHAPTER 215 WASTE TIRE MANAGEMENT COUNTY GRANT PROGRAM

567--215.1(455D) Goal. The goal of this program is to promote the safe collection and proper management of waste tires at the local level.

567--215.2(455D) Purpose. The purpose of this chapter is to establish a waste tire management county grant program for allocating moneys to county boards of supervisors or to designees of each board for which a grant application is approved. Grant awards shall be used for establishing and implementing local waste tire management programs consistent with rule 215.1. The criteria for evaluating and approving or denying grant applications are described in the chapter.

567--215.3(455D) Definitions. As used in this chapter:

“Applicant” means any county board of supervisors or its designee requesting a grant.

“Department” means Iowa department of natural resources.

“Designee” means any public or private entity designated by a county board of supervisors in a letter or adopted resolution accompanying an application as the grant applicant for the county.

“Grant” means financial assistance in the form of a cash payment to a recipient for establishing, implementing and administering a local waste tire management program.

“Local waste tire management program” means a program whereby waste tires are accepted without charge from eligible entities at a site or sites established by the recipient. Waste tires collected at the established sites must be subsequently transported to a tire processor or site of end use, and shall not be disposed by landfilling.

“Passenger tire equivalent” means one passenger car tire is equal to 20 pounds for the purpose of estimating waste tire amounts from a total weight figure.

“Recipient” means an applicant approved to receive a grant under these rules.

“Site of end use” means a site where whole or processed waste tires are recycled or reused in a beneficial manner authorized by the department.

“Tire processor” means a person who reduces waste tires into a processed form suitable for recycling or producing fuel for energy or heat, or uses whole waste tires in any other beneficial use as authorized by the department. “Tire processor” does not mean a person who retreads tires or processes and stores tires.

“Waste management assistance division” means the waste management assistance division of the department of natural resources established by 455B.483.

“Waste tire” as defined in Iowa Code section 455D.11, means a tire that is no longer suitable for its originally intended purpose due to wear, damage, or defect. “Waste tire” does not include a nonpneumatic tire.

567--215.4(455D) Role of the department of natural resources. The department is responsible for the administration of funds for establishing local waste tire management programs under these rules. The department will ensure that funds disbursed meet guidelines established in 1996 Iowa Acts, House File 2433, section 4 (Code section 455D.11D).

Proposals for local waste tire management programs described by this chapter may be submitted by an applicant for grant consideration. The waste management assistance division shall have sole responsibility for determining which proposals will receive funding in accordance with the application procedures and selection criteria described in 215.10 and 215.11.

567--215.5(455D) Funding source. The department will use funds available from the waste tire management fund authorized by 1996 Iowa Acts, House File 2433, section 3 (Code section 455D.11C). Pursuant to Iowa Code section 455D.11D(2), annual funding for the waste tire management county grant program is provided over a six-year period in the following amounts:

1. For the fiscal year beginning July 1, 1996 and ending June 30, 1997, \$700,000;
2. For each fiscal year during the period July 1, 1997 to June 30, 2001, \$1,000,000; and
3. For the fiscal year beginning July 1, 2001 and ending June 30, 2002, \$700,000.

567--215.6(455D) Eligible programs. The department may provide grant funding to any county board of supervisors or its designee for which an application is approved for use in establishing, implementing and administering a local waste tire management program. Applicants can request the use of the grant only for eligible costs incurred during the fiscal year the grant is awarded for. Proposed local waste tire management programs shall include, at a minimum, the following components:

1. Established site or sites where waste tires will be accepted at no charge. Limitations regarding the numbers and types of waste tires collected and the entities from which a site is required to accept waste tires may be established by the recipient.

2. Waste tires collected at the established sites may be stored in accordance with Chapter 567--117 but must be subsequently transported to a tire processor or site of end use. Grant funds shall not be used for processing tires for the purpose of landfilling.

3. A publicity and educational component designed to promote the safe and proper management of waste tires in conjunction with the use of the established local collection sites.

567--215.7(455D) Eligible grant costs. Applicants may request grant funding for a local waste tire management program which includes, but is not limited to, funds for the purpose of:

1. Waste tire collection activities;
2. Transportation and processing fees related to the delivery of collected waste tires to an approved tire processor or site of end use;
3. Development and distribution of educational and promotional materials;
4. Salaries directly related to the implementation, operation and administration of the program.

567--215.8(455D) Ineligible costs. Grant funding shall not be provided or used for costs including, but not limited to, the following:

1. Purchase of equipment;
2. Land acquisition;
3. Building purchase, construction, or remodeling;
4. Permit fees;
5. Application and annual report preparation;

6. Waste tire processing fees for the purpose of landfilling;
7. Costs for which payment has or will be received under another federal, state or private financial assistance program; and
8. Costs incurred before a contractual agreement is reached between the applicant and the department.

567--215.9(455D) Grant allocations. Grants shall be allocated to approved applicants on a fiscal year basis in accordance with the schedule described in 215.14.

215.9(1) Grant disbursement limitations. Pursuant to Iowa Code Section 455D.11D(3), the maximum grant allocation that may be awarded to a recipient for a fiscal year is based upon the population of the respective county(ies) documented in the 1990 census as follows:

1. Counties with populations of less than 60,000 may receive up to \$15,000.
2. Counties with populations of 60,000 but less than 110,000 may receive up to \$30,000.
3. Counties with populations of 110,000 but less than 200,000 may receive up to \$50,000.
4. Counties with populations of 200,000 or more may receive up to \$65,000.

215.9(2) Reduced award. The department reserves the right to award grants in amounts less than that requested by applicants. Reduced grant awards may be offered where:

1. Program funding stipulated in 215.5 is insufficient to provide the level of grant assistance requested by all applicants approved for grant awards for a fiscal year.
2. The department determines that an applicant could implement a local waste tire management program at a reduced level of grant assistance and achieve the program's goal and objectives.

215.9(3) Additional award. An applicant may request grant funding beyond the limitations specified in this rule, and the department may award additional funding if:

1. Sufficient program funds remain after grants are awarded to all approved applicants; and
2. As described in 215.10(3), the applicant demonstrates that the county has a local waste tire concern or problem which may be remedied through the requested additional grant fund.

215.9(4) Unexpended grant funds. Grant funding unexpended and unencumbered by June 30th of a fiscal year for which a grant was awarded may be retained by the recipient if an application for continued funding, as stipulated in 215.10, is submitted to and approved by the department. Successful applicants for continued funding shall be awarded a grant in an amount not to exceed the limitations described in 215.9(1) and which shall include the portion of the grant awarded in the immediate preceding fiscal year that was unexpended and unencumbered as of June 30th of that year, as determined by information provided in the annual report filed with and approved by the department in accordance with 215.12.

If a county does not apply for continued funding or does not receive approval for continued funding, any unexpended and unencumbered grant funds remaining as of June 30th of a fiscal year for which a grant was awarded shall be remitted to the department for deposit in the waste tire management fund established in Iowa Code section 455D.11C.

567--215.10(455D) Applications. Any county board of supervisors or designees of each board including, but not limited to, public or private entities, are eligible applicants. Applicants shall

submit applications on forms provided by the waste management assistance division. An original application and two copies must be submitted. Facsimiles will not be accepted. Applications will be reviewed by the waste management assistance division in the order received beginning on April first of the fiscal year immediately preceding the year for which the grant is being requested. Applicants are encouraged to submit applications on or before this date, but no later than August 14. In order to be considered complete, the application form will include, but not be limited to, the following information. The department reserves the right to verify any information provided in the application.

1. Name of applicant;
2. Address of applicant;
3. Identity and phone number of contact person;
4. Grant funding requested;
5. County's 1990 population as determined by U.S. Census Bureau data;
6. Information satisfying the provisions of rule 215.11;
7. All appropriate information and documents requested in the following subrules:

215.10(1) Designated applicants. All applications submitted by a designee of a board of supervisors must be accompanied by a letter or adopted resolution from the board which clearly designates the applicant as the county's prospective recipient for a grant award and as the entity responsible for the establishment, implementation and administration of the local waste tire management program within the county.

215.10(2) Designated applicants for regional programs. If an entity has been designated as the applicant for two or more counties for the purpose of conducting local waste tire management program activities on a regional scale, a single application may be submitted by the designee on behalf of the respective counties. The application must be accompanied by a letter or adopted resolution from each board of supervisors which clearly designates the applicant as the county's representative and the entity responsible for the establishment, implementation and administration of the local waste tire management program throughout the multi-county region, and also includes a statement acknowledging the county's participation in a regional program. The total amount of the requested grant for the region must not exceed the sum of the individual counties' maximum amounts as determined from the formula in 215.9(1).

215.10(3) Applications for continued funding. Applicants representing counties requesting continued funding must indicate the amount of the current grant award unexpended and unencumbered at the time the application is being prepared and include an estimate on total grant expenditures anticipated by June 30th of the current fiscal year. Any portion of a grant that remains unexpended or unencumbered by June 30th of a fiscal year for which a grant was awarded, as indicated in the annual report filed with the department in accordance with 215.12, will be included in the total grant amount that may be awarded to the applicant for the subsequent fiscal year subject to the funding limitations referenced in 215.9.

215.10(4) Applications for additional funding. As referenced in 215.9(3), an applicant requesting a grant beyond the limitations stipulated in 215.9(1) must specify the amount of the additional funding in the application. The application must justify the request for additional funding by describing in detail the local waste tire concern or problem that exists within the county. This description should include an assessment of the threat to public health or the environment presented by this situation. The application must also demonstrate how the

documented concern or problem will be addressed through use of the requested additional grant funds.

567--215.11(455D) Selection criteria. The approval or denial of grant applications shall be determined by the waste management assistance division beginning June 1 and ending no later than October 1. Applicants recommended for grant awards will be notified once these determinations are made. The department shall evaluate applications and applicants will be awarded grants based on the following selection criteria. Points assigned to the selection criteria total 100 points and up to five bonus points available for assignment to regional program applications.

215.11(1) Program impact. Describe waste tire problems or concerns existing within the county and explain how the county's participation in the grant program will address them. A goal for the program in terms of the estimated amount of waste tires that are anticipated to be collected during the fiscal year must be provided. (15 points)

215.11(2) Program compatibility. Describe how the proposed program is compatible with existing local and regional solid waste management programs, and with the solid waste comprehensive plan the county is participating in. The application must describe how the agency responsible for the development and implementation of the comprehensive plan was provided the opportunity to review and comment on the proposed local waste tire management program. (10 points)

215.11(3) Program planning experience and commitment. Identify all public and private agencies, local governmental bodies, and non-profit organizations who will have a role in the development and implementation phases of the program. Previous experience in planning and implementing similar programs or conducting solid waste management activities should be described. Commitment toward continuation of the program in terms of submitting an application for funding in subsequent years and/or by committing local funds for program continuation should be addressed. (5 points)

215.11(4) Collection mechanisms. Describe the methods and activities that will be conducted under the program to collect waste tires. Collection activities should be designed to maximize public participation. (15 points)

215.11(5) Collection sites. Identify and describe the site or sites that will be established as waste tire collection points. In describing these locations, information pertaining to site security, estimated collection capacity and anticipated length of time waste tires will remain at the site(s), vermin control, and compliance with local zoning and fire codes and applicable state regulations must be included. (10 points)

215.11(6) Program limitations. Explain any limitations or restrictions that will be established regarding the number of waste tires accepted from an individual, types of waste tires that will be collected, and the entities that may use a collection site established under the program. Restrictions on accepting waste tires from firms which may have already charged a waste tire disposal fee to customers or are collecting waste tires for hire should be considered by the applicant. (5 points)

215.11(7) Publicity and educational component. Describe the strategies that will be used to promote the program and its goal. Descriptions shall include the following: identifying the subjects or issues that will be addressed in these activities; an explanation of the methods or techniques that will be used to convey the information; and, identity of the target audience. In

addition to promoting the proper disposal opportunities presented by the local waste tire management program, publicity and educational activities should also address the problems associated with improper waste tire disposal, the recycling options related to proper waste tire management, and information on reducing the number of waste tires generated through proper tire maintenance. (15 points)

215.11(8) Waste tire outlets. Identify the processor(s) and site(s) of end use that are proposed for managing the waste tires collected through the program. Include a brief description of the criteria and research used to select these firms. (5 points)

215.11(9) Program budget. Specify the amount of the requested grant funding planned to be used for each of the eligible cost categories described in 215.7, and include a brief narrative to justify each budget line item. To supplement the grant, describe the purpose and amount of local funds dedicated to the program. (15 points)

215.11(10) Program records. Describe the mechanisms that will be used for recording the amount of waste tires collected and for tracking grant expenditures. (5 points)

215.11(11) Regional programs. If the application is being submitted by a designee representing two or more counties planning to conduct local waste tire management program activities on a regional scale, explain how this cooperation will enable the participants to achieve the program goal and objectives in a more efficient and effective manner. (5 bonus points)

567--215.12(455D) Annual reports. Following the completion of the fiscal year for which a grant was awarded, each recipient shall submit an annual report to the department. If a recipient has been awarded continued grant funding, the annual report must be approved by the department prior to the release of the grant. In all cases, the annual report must be submitted to the department no later than September 1 of the fiscal year following the year the grant was awarded for. Annual reports are considered part of the public record. The annual report shall describe the local waste tire management program's activities during the entire fiscal year the grant was awarded for up through June 30th of that year. The report will include, but not be limited to, the following information:

1. Total amount of waste tires collected either by actual count or estimated on a passenger tire equivalent basis, as defined in 215.3, determined from total tonnage collected;
2. Itemization of grant expenditures;
3. Summary of collection activities;
4. Summary of promotional and educational activities;
5. Identification of entities involved in the development and implementation of the program and a brief description of their roles;
6. Identification of waste tire processors and ultimate end use sites that waste tires collected under the program were sent to and the amount handled by each of these firms;
7. Evaluation of the program's effectiveness;
8. Recommendations for continuation of the local program and improvement of the grant program.

567--215.13(455D) Contract. Recipients shall enter into a contract with the department for the purposes of implementing the local waste tire management program for which a grant assistance has been awarded. The contract shall be signed by the department director, the administrator of the waste management assistance division, and the authorized officer of the recipient. The

department may terminate any contract and seek the return of any funds released under the contract for failure by the recipient to perform under the terms and conditions of the contract. Amendments to contracts may be adopted by written consent of the department director, the administrator of the waste management assistance division, and the authorized officer of the recipient.

215.14 Grant allocation schedule. The total grant award will be mailed to successful applicants between August 15 and ending no later than January 1 of the fiscal year the grant was awarded for provided the following conditions have been satisfied:

1. Contract described in 215.13 has been finalized and, where applicable, approved by the environmental protection commission;
2. For recipients representing counties that have previously received grant funding, the annual reports described in 215.12 have been submitted to and approved by the department;
3. Funding available from the waste tire management fund referenced in 215.5 is sufficient to provide the level of grant assistance awarded to approved applicants.

567--215.15(455D) Grant award denial. Applications denied grant funding will not be retained for future consideration. It is the applicant's responsibility to resubmit a completed application for consideration during a subsequent funding period. An applicant may be denied a grant award for any of the following reasons:

1. Program funds are insufficient to award grants to all qualified applicants;
2. An applicant does not meet the definition of "Applicant", as defined in 215.3;
3. Applicant does not meet eligibility requirements pursuant to rules 215.6 to 215.12;
4. An applicant does not provide sufficient information requested in the application forms pursuant to rules 215.10 and 215.11, or in the annual report pursuant to rule 215.12;
5. Proposed program's goal or scope is not consistent with rules 215.1, 215.2 and 215.6 to 215.8.

These rules are intended to implement 1996 Iowa Acts, House File 2433, sections 3 and 4 (Code sections 455D.11C and 455D.11D).

Date

Larry J. Wilson, Director

Ms. Hay reviewed the rules in detail and noted that the Commission will eventually reconsider them when rules are developed to cover the big picture. She related that there will be opportunity the for public comment at that time.

Motion was made by Terrance Townsend to approve Emergency Rule--Chapter 215, Waste Tire Management for County Grant Program. Seconded by William Ehm. Motion carried unanimously.

Rita Venner asked if the county is accountable to the department on how the money is spent.

Ms. Hay responded that the counties will have to submit an annual report, adding that they cannot receive further funds until the report is submitted.

APPROVED AS PRESENTED

MONTHLY REPORTS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The following monthly reports are enclosed with the agenda for the Commission's information.

1. Rulemaking Status Report
2. Variance Report
3. Hazardous Substance/Emergency Response Report
4. Enforcement Status Report
5. Contested Case Status Report

Members of the department will be present to expand upon these reports and answer questions.

RULEMAKING STATUS REPORT September 1, 1996

| <u>PROPOSAL</u> | <u>NOTICE TO COMM.</u> | <u>NOTICE PUBLISH</u> | <u>RULES REVIEW COMM.</u> | <u>HEARING</u> | <u>FINAL SUMMARY TO COMM.</u> | <u>RULES ADOPTED</u> | <u>RULES PUBLISH</u> | <u>RULES REVIEW COMM</u> | <u>RULE EFFECTIVE</u> |
|--------------------------------------------------------------------|--------------------------------|---------------------------|-----------------------------------|----------------|---------------------------------------|--------------------------|--------------------------|----------------------------------|---------------------------|
| 1. Ch. 20 - Potential to Emit for Grain Elevators | 4/15/96 | 5/08/96 | 5/14/96 | 6/10/96 | 8/19/96 | 8/19/96 | 9/11/96 | *10/08/96 | *10/16/96 |
| 2. Ch. 20 - Potential to Emit for Emergency Generators | 9/16/96 | *10/09/96 | *10/08/96 | *10/ /96 | *11/18/96 | *11/18/96 | *12/18/96 | *1/14/97 | *1/22/97 |
| 3. Ch. 20, 21, 23, 25 and 29 - Air Quality Rules | *10/21/96 | *11/20/96 | *12/10/96 | *12/ /96 | *1/14/97 | *1/14/97 | *1/29/97 | *2/11/97 | *3/05/97 |
| 4. Ch. 22 - Operating Permit by Rule for Small Sources | 7/15/96 | 8/14/96 | 9/10/96 | 9/13/96 | *10/21/96 | *10/21/96 | *11/20/96 | *12/10/96 | *12/25/96 |
| 5. Ch. 23 - Waiver of Open Burning Separation Distance Requirement | 5/20/96 | 6/19/96 | 7/09/96 | 7/09/96 | 9/16/96 | *9/16/96 | *10/09/96 | *11/12/96 | *11/13/96 |
| 6. Ch. 53 - Protected Water Sources | 6/17/96 | 7/17/96 | 8/13/96 | 8/07/96 | 9/16/96 | *9/16/96 | *10/09/96 | *11/12/96 | *11/13/96 |
| 7. Chy. 60, 62, 63 - Water Quality | EMERGEN | ----- | ----- | ----- | 9/16/96 | *9/16/96 | *10/09/96 | *11/12/96 | *9/20/96 |

| | | | | | | | | | |
|-------------------------------------------------------------------------------------|---------------|-------------|------------|-----------------------------|----------------------------|-----------|-----------|-----------|-----------|
| | CY | -- | -- | - | | | 6 | 6 | |
| 8. Ch. 61 - WQ Standards - Section 401 Certification/Section 404 Nationwide Permits | 9/16/96 | *10/98/96 | *10/18/96 | *10/ /96 | *11/18/96 | *11/18/96 | *12/18/96 | *1/14/97 | *1/22/97 |
| 9. Ch. 65 - Animal Feeding Operations | 1/16/96 | 2/14/96 | 3/11/96 | 3/05/96 3/06/96 | TERMINATI ON 7/15/96 | 7/15/96 | 8/14/96 | 9/10/96 | *9/18/96 |
| 10. Ch. 65, 68, 121 - Navigable Waters & Manure Application | 6/17/96 | 7/17/96 | 8/13/96 | 8/06- 09/96 8/12/96 | 9/16/96 | *9/16/96 | *10/09/96 | *11/12/96 | *11/13/96 |
| 11. Ch. 100, 102 - Special Waste Authorizations | *10/21/96 | *11/20/96 | *12/10/96 | *12/ /96 | *1/14/97 | *1/14/97 | *1/29/97 | *2/11/97 | *3/05/97 |
| 12. Ch. 103 - Sanitary Landfill Liners | 5/20/96 | 6/19/96 | 7/09/96 | 7/09/96 | 9/16/96 | *9/16/96 | *10/09/96 | *11/12/96 | *11/13/96 |
| 13. Ch. 133, 135 - Underground Storage Tank - Risk Based Corrective Action Stds. | 6/17/96 | 7/17/96 | 8/13/96 | 8/6,7,8/96 8/12,14,15/96 | *10/21/96 | *10/21/96 | *11/20/96 | *12/10/96 | *12/25/96 |
| 14. Ch. 215 - Waste Tire Mgmt. County Grant Program | EMERGEN CY | ----- -- | ----- - | ----- -- | 9/16/96 | *9/16/96 | *10/09/96 | *11/12/96 | *9/20/96 |

| Monthly Variance Report | | | | | | |
|-------------------------|--------------------------------------------------------------------------|-------------------------|------------------------------|-------------------------|----------|----------|
| Aug/ 1996 | | | | | | |
| Item. | Facility | Program | Engineer | Subject | Decision | Date |
| 1 | Carl & Donald Hawleg-"Illegal Solid Waste Disposal Site"-Plymouth County | Air Quality | | Trade Waste | Approved | 08/07/96 |
| 2 | University of Iowa Main Power Plant-Iowa City | Air Quality | | Permit Requirements | Approved | 08/07/96 |
| 3 | County Road B-35-Cerro Gordo County-Clear Lake Sanitary District | Wastewater Construction | Yaggy Colby Associates | Testing | Approved | 08/08/96 |
| 4 | McMurray Wetland Dam-Wayne County | Flood Plain | Eric Horlyk | Storm/Storage Capacity | Approved | 08/01/96 |
| 5 | Oak Street Bridge-Montgomery County | Flood Plain | Montgomery/Watson Associates | Freeboard | Approved | 08/07/96 |
| 6 | Cedar Rapids, City of | Wastewater Operation | | Monitoring Frequency | Approved | 08/12/96 |
| 7 | Cargill, Inc.- (Closed) Fly Ash Landfill-Monroe County | Sanitary Disposal | Howard R. Green Company | Coal Combustion Residue | Approved | 08/15/96 |
| 8 | Cedar Falls Utilities Leversee Road Ash | Sanitary Disposal | Howard Scott Byram | Certified Operator | Approved | 08/05/96 |

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|----|---------------------------------------------------------|--------------------------|----------------------------------------|--------------------------|----------|----------|
| | Disposal Site | | | | | |
| 9 | Grain Processing Corporation-Landfill-Muscataine County | Sanitary Disposal | Howard R. Green Company | Certified Operator | Approved | 08/12/96 |
| 10 | Grain Processing Corporation-Landfill-Muscataine County | Sanitary Disposal | Daniel A. Huss, Grain Processing Corp. | Storage | Approved | 08/13/96 |
| 11 | Grain Processing Corporation-Landfill-Muscataine County | Sanitary Disposal | Daniel A. Huss, Grain Processing Corp. | Gas Control | Approved | 08/13/96 |
| 12 | Havelock, City of | Watersupply Construction | Jacobson-Westergard Associates | Construction & Materials | Approved | 08/15/96 |

During the period August 1, 1996, through August 31, 1996, 57 reports of hazardous conditions were forwarded to the central office. A general summary and count by field office is presented below. This does not include releases from underground storage tanks, which are reported separately.

| Month | Total Incidents | Petroleum Product | Agri - Chemical | Other Chemicals | Handling and Storage | Pipeline | Highway Incident | RR Incident | Fire | Other |
|-------|-----------------|-------------------|-----------------|-----------------|----------------------|----------|------------------|-------------|------|-------|
| Oct. | 64(51) | 37(38) | 9(3) | 18(10) | 21(32) | 0(0) | 35(16) | 3(0) | 1(0) | 4(2) |
| Nov. | 52(54) | 34(24) | 7(7) | 11(23) | 25(29) | 4(0) | 21(22) | 1(3) | 0(0) | 1(0) |
| Dec. | 56(52) | 30(27) | 11(2) | 15(23) | 28(38) | 2(1) | 21(12) | 2(0) | 1(0) | 2(1) |
| Jan. | 42(48) | 18(29) | 10(7) | 14(12) | 24(31) | 0(0) | 13(14) | 1(1) | 0(1) | 4(1) |
| Feb. | 55(48) | 36(29) | 11(12) | 37(31) | 1(0) | 1(0) | 12(14) | 2(1) | 1(1) | 2(1) |
| Mar. | 59(41) | 44(27) | 6(5) | 9(9) | 29(24) | 0(0) | 28(17) | 0(0) | 0(0) | 2(0) |
| Apr. | 93(75) | 41(30) | 37(25) | 15(20) | 37(39) | 1(1) | 36(30) | 3(1) | 2(1) | 14(3) |
| May | 100(90) | 46(45) | 34(40) | 20(5) | 31(34) | 2(0) | 58(49) | 1(2) | 0(1) | 8(4) |
| Jun. | 67(98) | 38(48) | 19(29) | 10(21) | 26(32) | 3(2) | 30(56) | 1(2) | 0(0) | 7(6) |
| Jul. | 88(92) | 50(58) | 24(21) | 14(13) | 50(43) | 2(0) | 30(45) | 1(2) | 1(0) | 4(2) |
| Aug. | 57(72) | 34(46) | 10(9) | 13(17) | 32(43) | 2(0) | 16(25) | 0(1) | 0(1) | 7(2) |
| Sept. | | | | | | | | | | |

(numbers in parentheses for the same period in fiscal year '95)

Total Number of Incidents Per Field Office This Period:

1 2 3 4 5 6

5 8 8 6 21 9

Enforcement Report Update

The following new enforcement actions were taken last month:

| Name, Location and Field Office Number | Program | Alleged Violation | Action | Date |
|---------------------------------------------------|---------------------------------------|-----------------------------------------------------------------------|---------------------------|-------------|
| Gold-Eagle Cooperative Eagle Grove (2) | Wastewater; Hazardous Condition | Prohibited Discharge; Failure to Notify | Order/Penalty \$4,000 | 8/05/96 |
| Minifarm Acres, Tipton (6) | Drinking Water | MCL - Bacteria; Public Notice | EMER. Order | 8/08/96 |
| Howard Victor and Wanda Victor, Des Moines (5) | Underground Tank | Insurance Violations | Order/Penalty \$10,000 | 8/20/96 |
| Estherville, City of (3) | Wastewater | Compliance Schedule; Discharge Limits | Amended Order | 8/20/96 |
| Nora Springs, City of (2) | Wastewater | Discharge Limits | Amended Order | 8/20/96 |
| Riverside Lutheran Bible Camp, Story City (2) | Drinking Water | MCL - Bacteria; Monitoring/Reporting- Nitrate; Public Notice | Order/Penalty \$500 | 8/27/96 |
| Long Branch Tavern, Monmouth (1) | Drinking Water | MCL - Bacteria; Monitoring/Reporting- Nitrate; Public Notice | Order/Penalty \$6,400 | 8/27/96 |
| Richard Sprague, Tripoli (1) | Solid Waste; Air Quality | Illegal Disposal; Open Burning | Order/Penalty \$5,000 | 8/27/96 |
| Steamboat Rock, City of (2) | Wastewater | Prohibited Discharge; Discharge Limits | Amended Order | 8/30/96 |

Summary of Administrative Penalties

The following administrative penalties are due:

| NAME/LOCATION | PROGRAM | AMOUNT | DUE DATE |
|-----------------------------------------------------------------------|---------|--------|----------|
| Marvin Kruse d/b/a K & C Feeds (Luana) | UT | 300 | 12-01-92 |
| Don Grell d/b/a Dodger Enterprises (Ft. Dodge) | AQ | 10,000 | 2-16-93 |
| Duane Pospisil d/b/a Duane's Service (Lisbon) | UT | 1,000 | 5-04-93 |
| Franklin Raymond (Pacific Junction) | UT | 300 | 7-07-93 |
| *Delano's Lounge (Washington) | WS | 425 | 9-01-93 |
| Melvin Foubert d/b/a Mel's Repair Service (What Cheer) | UT | 400 | 12-13-93 |
| Stan Simmer d/b/a Tire City (Des Moines) | UT | 600 | 12-21-93 |
| *63-80 Cafe (Moore Oil Co.) (Malcom) | WS | 200 | 1-20-93 |
| William Hatch d/b/a R&R Convenience Store (Central City) | UT | 2,480 | 2-28-93 |
| Kurt & Mary Marzofka; John & Shirley Riordan (Sabula) | UT | 500 | 3-31-94 |
| Ida Grove Farm Supply Co. d/b/a Double Circle Farm Supply Co. (Galva) | UT | 2,300 | 5-15-94 |
| Leland Koster and Jim Koster (Alexander) | UT | 350 | 6-11-94 |
| *Home Asbestos & Lead Abatement Services (Johnston) | AQ | 350 | 7-02-94 |
| King Transfer, Ltd.; George B. King (Onawa) | UT | 2,400 | 7-20-94 |
| Central Water Works (Fort Dodge) | WS | 275 | 8-21-94 |
| Crawford Flats, Ltd. (Denison) | WS | 275 | 8-25-94 |
| Holland, City of | WS | 550 | 8-28-94 |
| Coralville Lake Terrace Assn. (North Liberty) | WS | 550 | 9-01-94 |
| The Marley Pump Co. (Davenport) | WS | 125 | 9-13-94 |
| RHCL School (Luxemberg) | WS | 125 | 9-14-94 |
| Bill Dettman d/b/a Dettman Oil Co. (Fonda) | UT | 2,800 | 9-15-94 |
| Kilpeck Mobile Home Park (Muscatine) | WS | 275 | 9-23-94 |
| Immanuel Lutheran Church and School (Readlyn) | WS | 275 | 9-23-94 |
| Scenic View Estates (Decorah) | WS | 275 | 9-25-94 |
| Yarmouth Elementary School (Mediapolis) | WS | 375 | 10-12-94 |
| Batavia, City of | WS | 650 | 10-17-94 |
| Geils Oil Company; Lawrence P. Geils (Donnelson) | UT | 3,200 | 10-18-94 |
| Hidden Valley Mobile Home Court (Washington Co.) | WS | 200 | 10-22-94 |
| *Dale Hall d/b/a Hall Oil Co. (Des Moines) | UT | 250 | 11-15-94 |
| Donald K. Schmidt (Cedar Rapids) | UT | 3,000 | 12-27-94 |
| Collier Oil Co.; Clark Concrete Co. (Onawa) | UT | 3,300 | 1-22-95 |
| Ron Mumby (Iowa Co.) | SW | 2,000 | 4-19-95 |
| Jody Beaver (Cedar Co.) | SW/AQ | 2,000 | 5-27-95 |
| Valley Heights 1st Annex (Blue Grass) | WS | 550 | 6-05-95 |
| Rock Falls Lounge (Rock Falls) | WS | 1,500 | 6-12-95 |
| Dallas County Care Facility (Adel) | WS | 550 | 6-13-95 |
| Crestwood Acres; Mid County Water, Inc. (Toddville) | WS | 375 | 6-13-95 |
| Lake Vista Improvement Assn., Inc. (Solon) | WS | 200 | 6-14-95 |
| Fremont County Sanitary Landfill (Fremont Co.) | SW | 5,000 | 7-05-95 |
| ESCORP Associates Ltd.; Arnold Olson (Cedar Rapids) | AQ | 10,000 | 7-09-95 |
| David A. Dohlman d/b/a Dave's Conoco (Dumont) | UT | 2,300 | 7-18-95 |
| M & L Service; Loyal Dorr; Mark Courtney (Guthrie Center) | UT | 1,000 | 8-30-95 |
| Sheldahl, City of | WS | 200 | 8-30-95 |
| Norman Klynsmas d/b/a OK One Stop Service (Hospers) | UT | 2,000 | 9-01-95 |
| Orville Long (Polk Co.) | SW | 3,000 | 9-12-95 |
| Ken Frese (Keokuk Co.) | SW/AQ | 1,000 | 10-03-95 |
| Carter Lake, City of | WS | 200 | 10-25-95 |
| Meadow Knolls Addition (Marion) | WS | 200 | 10-29-95 |

| | | | |
|----------------------------------------------------------|-------|----------------|----------|
| Searsboro, City of | WW | 2,500 | 11-08-95 |
| *R.V. Hopkins, Inc. (Davenport) | AQ | 10,000 | 11-15-95 |
| Economy Solar Corp. (Monticello) | AQ | 7,500 | 11-25-95 |
| Elery Fry; Allen Fry; Becky Sandeen (Monroe Co.) | SW | 6,000 | 1-20-96 |
| Patrick McCoy (Keokuk Co.) | AQ/SW | 2,000 | 2-10-96 |
| Steven Mullane d/b/a S & S Landscaping (Madison Co.) | AQ/SW | 2,000 | 2-14-96 |
| Cheryl Straughn d/b/a Cher's Mini Mart (Chapin) | UT | 600 | 2-21-96 |
| Dennis Sharkey d/b/a Sharkey Bldg. Wrecking (Dubuque) | AQ | 2,000 | 3-11-96 |
| Sportsmen's Club (Waukon) | WS | 100 | 4-01-96 |
| C & C Ltd. d/b/a Country View MHP (Denison) | WS | 475 | 4-08-96 |
| Brian McKernan d/b/a Hickory Grove MHP (Story Co.) | WW | 1,000 | 4-15-96 |
| Long Branch Tavern (Monmouth) | WS | 100 | 5-01-96 |
| David Kramer (Camanche) | UT | 600 | 5-03-96 |
| Latimer, City of | WS | 150 | 5-03-96 |
| Ainsworth, City of | WS | 150 | 5-03-96 |
| Hofer's Danceland Ballroom (Walford) | WS | 100 | 5-04-96 |
| Cedar River Trailer Park (Letts) | WS | 100 | 5-04-96 |
| McClelland Bar & Grill (Council Bluffs) | WS | 100 | 5-06-96 |
| Paul L. Dunkel (Delaware Co.) | SW | 1,500 | 6-27-96 |
| *Woden-Crystal Lake Comm. School District (Crystal lake) | AQ | 1,500 | 7-01-96 |
| *Orrie's Supper Club, Inc. (Hudson) | WS | 750 | 7-15-96 |
| Plantation Village Mobile Home Park (Burlington) | WW | 1,000 | 8-01-96 |
| Rayburn Court for Mobile Homes (Mason City) | WS | 500 | 8-25-96 |
| Dennis L. Mattison (Winnebago Co.) | AQ/SW | 600 | 9-03-96 |
| *Dan Peterson d/b/a Peterson Backhoe (Dumont) | AQ | 500 | 9-22-96 |
| Carpenter Bar & Grill (Carpenter) | WS | 725 | 9-27-96 |
| *First United Methodist Church (Ft. Madison) | AQ | 3,000 | 10-01-96 |
| Howard Victor and Wanda Victor (Des Moines) | UT | 10,000 | 10-21-96 |
| William R. Hennessey & Son, Inc. (Cedar Rapids) | UT | 2,670 | ---- |
| Deer Ridge Estates (Ottumwa) | WS | 100 | ---- |
| Dan Dooley (Polk Co.) | SW | 2,000 | ---- |
| Riverside Lutheran Bible Camp (Story City) | WS | 500 | ---- |
| Long Branch Tavern (Monmouth) | WS | 6,400 | ---- |
| Richard Sprague (Tripoli) | AQ/SW | 5,000 | ---- |
| TOTAL | | 143,000 | |

The following cases have been referred to the Attorney General:

| | | | |
|----------------------------------------------------------|-------|---------------|----------|
| Donald P. Ervin (Ft. Dodge) | SW | 669 | 3-05-90 |
| Robert and Sally Shelley (Guthrie Center) | SW | 1,000 | 3-04-91 |
| Vernus Wunschel d/b/a Wunschel Oil (Ida Grove) | UT | 300 | 1-12-92 |
| Verna and Don Reed; Andrea Silsby (Union Co.) | SW | 1,000 | 4-07-94 |
| Relative, Inc.; Doug Smuck (Des Moines) | UT | 3,070 | 10-11-94 |
| Relative, Inc.; Doug Smuck (Des Moines) | UT | 600 | 10-11-94 |
| Trust Trucking Corp.; Jim and Brenda Huyser (Lovilia) | UT | 840 | 11-01-94 |
| Wunschel Oil, et.al. (Battle Creek) | UT | 6,400 | 11-08-94 |
| Orrie's Supper Club, Inc. (Hudson) | WS | 275 | 9-19-94 |
| Paul Underwood d/b/a Underwood Excavating (Cedar Rapids) | AQ | 4,000 | 3-24-95 |
| Oscar Hahn (Solon) | SW/AQ | 2,000 | 8-29-95 |
| Randy Ballard (Fayette Co.) | FP | 2,000 | 5-30-95 |
| TOTAL | | 22,154 | |

The following administrative penalties have been appealed:

| NAME/LOCATION | PROGRAM | AMOUNT |
|------------------------------------------------------------------------|---------|--------|
| Joe Eggers, Jr., et.al. (St. Ansgar) | SW | 1,000 |
| Hickory Hollow Water Co. (Ankeny) | WS | 400 |
| Wayne Transportation, Inc. (Greene) | WW | 1,000 |
| Mulgrew Oil Company (Dubuque) | HC | 500 |
| Charles Kerr (Sloan) | UT | 600 |
| Chickasaw Co. SLF, et.al. (Chickasaw Co.) | SW | 1,000 |
| Plymouth Cooperative Oil Co. (Hinton) | WW | 1,000 |
| Randy Bonin/Vickie Brannick (Hardin Co.) | SW | 500 |
| Dean Hoeness d/b/a Hoeness & Sons (Winterset) | UT | 300 |
| King's Terrace Mobile Home Court (Ames) | WW | 500 |
| ITWC, Inc. (Malcom) | AQ | 1,000 |
| Frank Hulshizer (Benton Co.) | SW | 500 |
| Pirelli Armstrong Tire Corp. (Polk Co.) | SW | 1,000 |
| LeMars, City of | WW | 5,000 |
| Crane Co. d/b/a Crane Valves (Washington Co.) | SW | 500 |
| Donald Udell (Plymouth Co.) | SW | 1,000 |
| Oakwood Park Water, Inc. (Ankeny) | WS | 1,000 |
| U.S. Dept. of Defense (Sioux City) | UT | 5,720 |
| J.P. Scherrman, Inc. (Farley) | UT | 1,160 |
| Waverly Gravel & Ready-Mix aka Shell Rock Sand and Gravel (Shell Rock) | AQ | 3,000 |
| Toys "R" Us, Inc. (Davenport) | UT | 5,560 |
| Coastal Mart, Inc.-Store #1081 (Davenport) | UT | 5,320 |
| Country Stores of Carroll, Ltd.; Roger Kanne (Carroll) | UT | 10,000 |
| Elite, Ltd.; Roger Kanne; James Pietig (Coon Rapids) | UT | 3,500 |
| Elite, Ltd.; Roger Kanne; James Pietig (Logan) | UT | 3,288 |
| HiWay Texaco, Ltd.; Roger Kanne; Rick Kanne (Bagley) | UT | 5,000 |
| Galva Union Elevator Co. (Galva) | UT | 3,100 |
| Joseph L. Ranker; Daryl Hollingsworth (Indianola) | UT | 4,000 |
| Larry and Kelly Miller (Ogden) | UT | 2,000 |
| R.D.J. Farms; Donald Vogt (Van Horne) | UT | 1,300 |
| Home Oil Stations; Otto-Matic; Larence Otto (Burlington) | UT | 3,000 |
| Tom Wiseman (Sheffield) | UT | 3,500 |
| Village Oaks Homeowners Assn. (Blue Grass) | WS | 550 |
| Karl and Thelma Boylan d/b/a Boylan's Service (Northboro) | UT | 1,800 |
| Thomas M. Scheetz d/b/a The Depot Food N' Fuel (Oxford) | UT | 2,300 |
| William Jensen d/b/a B & B Tire & Oil Co. (Avoca) | UT | 2,300 |
| Crabtree Lake Resort (Rhodes) | WW | 5,400 |
| Elmer R. Faust d/b/a Faust Garage & Grocery (Delaware) | UT | 2,300 |

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| American Coals Corporation - Site #5 (Bussey) | SW/AQ | 10,000 |
| H.E.W., Inc. aka Hazardous Environmental Wastes, Inc. aka | | |
| Algona Roofing & Insulation, Inc. (Algona) | AQ | 5,000 |
| Bankston, City of | WS | 550 |
| Wunschel Oil, et.al. (Ida Grove) | UT | 10,000 |
| Jim Foust (Indianola) | SW | 2,175 |
| Titan Wheel International, Inc. (Walcott) | WW | 10,000 |
| Ronald Sizemore and Mark Murphy (Eldora) | UT | 3,200 |
| Boomsma's Egg, Inc. (Alden/Galt) | AQ | 10,000 |
| George Dolan (Northwood) | UT | 3,300 |
| Woodbury County Highway Department (Woodbury Co.) | UT | 4,000 |
| Keith Owens and Howard Maurer (Wilton) | UT | 3,100 |
| Tom Babinat d/b/a Tom's Car Care (Grundy Center) | UT | 3,600 |
| Richard Beckett (Villisca) | UT | 1,300 |
| Henry and Randy Krohn d/b/a Krohn Const. (Waukee) | AQ/SW | 4,000 |
| James and Roxann Neneman; J&R Mini Mart (Council Bluffs) | UT | 3,900 |
| Simonsen Industries, Inc. (Cherokee Co.) | WW | 5,000 |
| Richard Waugh d/b/a Dick's Apco Car Wash (Hampton) | UT | 885 |
| Sale-R-Villa Const., Inc. (Perry) | AQ | 10,000 |
| Otis Schultz d/b/a Schultz Oil Co. (Sac City) | UT | 2,200 |
| Dennis Malone & Joanne Malone (Morning Sun) | UT | 600 |
| # Larry Royer (Guthrie Co.) | WW | 1,000 |
| Bacon Addition (Monticello) | WS | 375 |
| Ferris Sullivan d/b/a Sullivan's Sinclair (Preston) | UT | 2,000 |
| Leonard Borman (Preston) | UT | 2,000 |
| Economy Solar Corp.; Jeffrey C. Intlekofer (Cedar Rapids) | AQ | 10,000 |
| Marty Feinberg d/b/a Feinberg Scrap Iron; Betty | | |
| Feinberg; F & F Metals (Lee Co.) | HC/WW | 10,000 |
| Cumberland Ridge First Addition (North Liberty) | WS | 550 |
| Earth Media Technologies, Inc. (Polk Co.) | SW | 3,000 |
| Allison Fire Dept.; Allison, City of | AQ | 5,000 |
| Pilot Oil Corporation (Walcott) | WW/UT | 5,000 |
| Leonard C. Page (Adams Co.) | SW | 3,000 |
| Mark Twain Meadows Assoc. (Muscatine) | WS | 900 |
| White Oaks Homeowners Assn. (Ankeny) | WS | 1,000 |
| Boyer Valley Company (Arion) | WW | 8,000 |
| Wilbur McNear; Gilbert Persinger (Smithland) | UT | 2,500 |
| Donald Krieger (Terrill) | UT | 600 |
| Donald J. Foreman d/b/a D & R Feedlots (Woodbury Co.) | WW | 3,000 |
| Wilbur McNear d/b/a McNear Oil Co. (Charter Oak) | UT | 2,000 |
| Holiday Mobile Lodge, Inc. (Johnson Co.) | SW/AQ | 2,000 |
| Shell Rock Products, Inc. (Butler Co.) | SW/AQ | 10,000 |
| E.L. Incorporated (Algona) | SW | 5,000 |
| Weber Construction, Inc. (Cascade) | AQ | 4,000 |
| Tri-County Bank & Trust (Cascade) | AQ | 4,000 |

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| Jack Pinney Operations, Inc. (Sioux City) | AQ | 4,000 |
| # Gary Watson (Cerro Gordo Co.) | WW | 2,500 |
| Vernon Kinsinger d/b/a K & K Sanitation (Washington Co.) | AQ/SW | 10,000 |
| Roy Burger (Gillette Grove) | UT | 5,400 |
| Spencer Municipal Hospital (Spencer) | AQ | 3,000 |
| Massena, City of | WW | 1,200 |
| Westside Park for Mobile Homes (Burlington) | WW | 3,000 |
| Climax Molybdenum Company (Ft. Madison) | HC/AQ | 10,000 |
| Clarence, City of | WW | 3,000 |
| All-States Quality Foods (Charles City) | WW | 5,000 |
| Bill Shirbroun d/b/a Was Broken Pallet (Webster Co.) | AQ/SW | 1,000 |
| Daryl & Karen Hollingsworth d/b/a Medora Store(Indianola) | UT | 4,800 |
| Hidden Valley Mobile Home Park (Washington) | WW | 2,000 |
| Jolly Roger Campground & Marina (North Liberty) | WW | 1,000 |
| Markley Knock d/b/a Knock's Bldg. Supply (Parkersburg) | AQ/SW | 2,000 |
| Dean Williams d/b/a Williams Oil Co. (Stuart) | UT | 4,800 |
| Russell Stagg (Muscatine Co.) | AQ/SW | 2,000 |
| Obie's Hurstville Tap, Inc. (Maquoketa) | WS | 100 |
| Edward Bodensteiner (Des Moines) | UT | 3,200 |
| Dallas County Care Facility (Adel) | WW | 2,500 |
| # Marlin Brenneman (Iowa Co.) | WW | 3,000 |
| Mount Joy Mobile Home Park (Davenport) | WW | 2,000 |
| Louisa-Muscatine Community School (Letts) | WS | 500 |
| Davenport Travel Plaza (Walcott) | WS | 250 |
| # C & I Eggs (Webster Co.) | WW | 3,000 |
| Vermeer Manufacturing Co. (Pella) | AQ | 10,000 |
| Gary Walker (Montgomery Co.) | AQ/SW | 3,000 |
| Mildred Eileen Bentley (Johnson Co.) | AQ/SW | 1,000 |
| Haasco, Ltd. (Dubuque) | AQ | 3,000 |
| Site Services, Ltd. (Waterloo) | AQ | 5,000 |
| Mederer Corporation (Creston) | WW | 10,000 |
| Winsor Oil Co., Inc.; Joyce Winsor (Vinton) | UT | 1,500 |
| Bernie Brauns d/b/a Brauns Waste Mgmt. (Muscatine Co.) | AQ/SW | 10,000 |
| Becker Gravel Company, Inc. (Stratford) | WW/FP | 3,000 |
| Ron Rupe (Polk Co.) | SW | 2,000 |
| Richard L. Magdefrau (Washington Co.) | AQ/SW | 2,000 |
| Lamoni, City of | WW | 1,000 |
| Margaret and Gene Palmersheim d/b/a G & M Service Mart (Greeley) | UT | 1,500 |
| Dakota Mobile Home Park (Oxford) | WW | 2,550 |
| Waste Mgmt. & Design; Monfort, Inc. (Des Moines) | SW/WW | 10,000 |
| Boomsma Egg Site #1; A.J. DeCoster (Wright Co.) | WW | 1,000 |
| Leroy Navratil d/b/a Navratil Excavating (Plymouth) | AQ/SW | 600 |

TOTAL 414,433

The following administrative penalties were paid last month:

| NAME/LOCATION | PROGRAM | AMOUNT |
|--------------------------------------------------------------------------------------------------------------|---------|---------------|
| Associated Milk Producers, Inc. (Mason City) | WW/HC | 1,000 |
| *Curry Environmental Services, Inc. (Marion)(PAID IN FULL) | AQ | 1,000 |
| Omega Cabinets, Ltd. (Waterloo) | AQ | 2,000 |
| Fernald Water System (Nevada) | WS | 100 |
| Colwell, City of | WS | 50 |
| L.F. & Betty Everett; Vern Barker & Donna Knotts d/b/a Barker & Knotts Construction; Gene Phillips (Ottumwa) | AQ | 2,000 |
| Sunshine Homes, Inc. (Atlantic) | WS | 137 |
| *Orrie's Supper Club, Inc. (Hudson) | WS | 375 |
| # T M & M Inc. Environmental Services (Hamilton Co.) | WW | 3,000 |
| *Dan Peterson d/b/a Peterson Backhoe (Dumont) | AQ | 500 |
| Gold-Eagle Cooperative (Eagle Grove) | WW/HC | 4,000 |
| Chicago & North Western Transportation Co. (Clay Co.) | WW/SW | 5,000 |
| Eli Shada (Anamosa) | UT | 100 |
| M and D Tire Processing, Inc. (Decatur Co.) | SW | 500 |
| TOTAL | | 19,762 |

ATTORNEY GENERAL REFERRALS

September 1, 1996

| Name, Location and Region Number | Program | Alleged Violation | DNR Action | New or Updated Status | Date |
|-------------------------------------------------------------------|-----------------|------------------------|------------------------------|---------------------------------------------------------------------------|--------------------------------|
| AMPC Lytton Updated | (3) Wastewater | Operational Violations | Referred to Attorney General | Referred Consent Decree (\$10,000/Civil) | 8/10/94 8/06/96 |
| American Asbestos Training Center, Ltd. Cedar Rapids (1) | Air Quality | Asbestos | Referred to Attorney General | Referred Petition Filed Trial Date | 7/22/94 8/29/94 10/21/96 |
| American Asbestos Training Center, Ltd. Waterloo Updated | (1) Air Quality | Asbestos | Referred to Attorney General | Referred Petition Filed Consent Decree (\$5,000/Civil & Injunction) | 3/21/94 8/29/94 7/26/96 |

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|------------------------------------------------------------------|-------------------|----------------------------------------|---------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|
| Ballard, Randy Fayette Co. (1) | Flood Plain | Construction Without Permit | Order/Penalty | Referred | 5/29/96 |
| DeCoster, A.J. Wright Co. (2) | Wastewater | Prohibited Discharge | Referred to Attorney General | Referred Petition Filed Defendant's Pre-Answer Motions Filed State's Resistance Filed Order Denying Defendant's Motion Defendant's Motion for Separate Trials State's Resistance Filed Defendant's Answer Defendant's Reply to Resistance State's Supplement to Resistance State Brief Hearing on Motion for Separate Trials Order Denying Defendant's Motion Trial Date | 7/17/95 1/23/96 3/06/96 3/27/96 4/12/96 4/19/96 4/29/96 5/01/96 5/06/96 5/30/96 5/31/96 6/03/96 6/28/96 1/28/97 |
| DeCoster, A.J. Nursery Unit #3 Wright Co. (2) New | Wastewater | Prohibited Discharge | Referred to Attorney General | Referred | 8/19/96 |
| Economy Solar Corp. Ft. Madison (6) | Air Quality | Asbestos | Referred to Attorney General | Referred Petition Filed Trial Date Ruling (\$1,600/Civil & Injunction) Notice of Appeal Voluntary Dismissal | 3/21/94 8/29/94 11/06/95 11/30/95 1/03/96 4/11/96 |
| Economy Solar Corp. Waterloo (1) Updated | Air Quality | Asbestos | Referred to Attorney General | Referred Petition Filed Consent Decree (\$5,000/Civil & Injunction) | 3/21/94 8/29/94 7/26/96 |
| Economy Solar Corp. Cedar Rapids (1) | Air Quality | Asbestos | Referred to Attorney General | Referred Petition Filed Trial Date | 7/22/94 8/29/94 10/21/96 |
| Economy Solar Corp./Central Community School DeWitt (6) | Air Quality | Asbestos | Referred to Attorney General | Referred | 7/17/95 |
| Economy Solar Corp. Cedar Rapids (1) | Air Quality | Penalty Collection | Order/Penalty | Referred | 6/17/96 |
| ESCORP/Cryotech Cedar Rapids (1) | Air Quality | Asbestos | Referred to Attorney General | Referred | 7/17/95 |
| Fernald Water Supply (5) New | Drinking Water | Monitoring/Reporti ng Lead & Copper | Order/Penalty | Referred Penalty Paid | 8/19/96 |

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|----------------------------------------------------------------------------|----------------------------|--------------------------------------------|---------------------------------|------------------------------------------------------------------------------|-------------------------------------------|
| Hahn, Oscar Solon (6) | Air Quality Solid Waste | Open Burning Illegal Disposal | Order/Penalty | Referred Petition Filed | 12/18/95 4/18/96 |
| Huyser, James; Trust Trucking Lovilia (5) | Underground Tank | Site Assessment | Referred to Attorney General | Referred Petition Filed | 11/21/94 4/18/96 |
| Klocke, Paul and Mary Kay Carroll (4) Updated | Flood Plain | Unauthorized Construction | Order | Referred Consent Decree (\$4,000/Civil & Injunction) | 10/16/95 8/12/96 |
| Lee, Harold and Evelyn Keokuk Co. (6) | Wastewater | Prohibited Discharge | Referred to Attorney General | Referred Petition Filed | 10/16/95 5/16/96 |
| Martinez, Vincent d/b/a Martinez Sewer Service Davenport (6) | Hazardous Condition | Remedial Action | Order/Penalty | Referred Petition Filed Partial Default Judgment (Injunction) | 2/17/92 12/21/92 10/11/94 |
| Orrie's Supper Club, Inc. Hudson (1) | Drinking Water | Monitoring/Reporti ng; Lead & Copper | Order/Penalty | Referred | 10/16/95 |
| Owens & Owens Realty, Inc. Wilton (6) | Underground Tank | DNR Defendant | Defense | Petition Filed Answer Filed | 3/29/96 4/19/96 |
| Plantation Village Mobile Home Park Burlington (6) Updated | Wastewater | Monitoring/Reporti ng | Order/Penalty | Referred Motion for Judgment Hearing on Motion Judgment for \$1,000 | 10/16/95 7/10/96 7/29/96 8/01/96 |
| Postville Pork Postville (1) | Wastewater | Prohibited Discharge | Referred to Attorney General | Referred | 5/20/96 |
| Reed, Verna and Don; Andrea Silsby Union Co. (4) | Solid Waste | Illegal Disposal | Order/Penalty | Referred Petition Filed Default Judgment | 6/20/94 8/10/94 12/12/94 |
| Relative, Inc.; Doug Smuck Des Moines (5) | Underground Tank | Insurance Violation | Order/Penalty | Referred Petition Filed | 10/17/94 5/12/95 |
| T M & M, Inc. Hamilton Co. (3) New | Wastewater | Prohibited Discharge | Order/Penalty | Referred Penalty Paid | 8/19/96 |
| Underwood, Paul d/b/a | | | | Referred | 5/15/95 |

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|-----------------------------------------------------------------------|-------------|----------|---------------|--------------------------------|--------------------|
| Underwood Excavating and Demolition Cedar Rapids (1) Updated | Air Quality | Asbestos | Order/Penalty | Motion for Judgment Hearing | 8/15/96 9/27/96 |
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|---------------------------------|---------------------|--------------------|---------------|----------------------------------------------------|--------------------|
| Welch Oil, Inc. Williams (2) | Underground Tank | Penalty Collection | Order/Penalty | Referred Penalty Paid Interest and Costs Due | 6/17/96 7/29/96 |
|---------------------------------|---------------------|--------------------|---------------|----------------------------------------------------|--------------------|

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|----------------------------------------------------------------------------------------|---------------------|-----------------|---------------|---------------------------------|--------------------|
| Wunschel Oil Co.; Vernus, Jaquelyn and Mark Wunschel Ida Grove (3) Updated | Underground Tank | Site Assessment | Order/Penalty | Referred Motion for Judgment | 1/17/95 8/28/96 |
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Contested Cases September 1, 1996

| DATE | NAME OF CASE | ACTION APPEALED | PROGRA | ASSIGNE | STATUS |
|----------|----------------------------------|----------------------|--------|----------|---------------------------------|
| 1-23-86 | Oelwein Soil Service | Admin. Order | WW | Murphy | Hearing continued; additional |
| 6-08-89 | Shaver Road Investments | Site Registry | HW | Kennedy | Draft consent order under |
| 6-08-89 | Hawkeye Rubber Mfg. Co. | Site Registry | HW | Kennedy | Draft consent order under |
| 6-08-89 | Lehigh Portland Cement Co. | Site Registry | HW | Murphy | Hearing continued. Discovery |
| 11-03-89 | Bridgestone/Firestone, Inc. | Site Registry | HC | Murphy | Hearing continued pending |
| 5-08-90 | Texaco Inc./Chemplex Co. Site | Site Registry | HW | ----- | Settlement proposed. |
| 5-14-90 | Alter Trading Corp. (Council | Admin. Order | SW | Kennedy | EPD considering public |
| 6-20-90 | Des Moines, City of | NPDES Permit Cond. | WW | Hansen | EPD met with City to resolve |
| 7-02-90 | Keokuk Savings Bank and Trust. | Site Registry | HW | ----- | Hearing continued. |
| 7-30-90 | Key City Coal Gas Site; and | Site Registry | HW | ----- | Decision appealed (Pixler). |
| 8-01-90 | J.I. Case Company | Site Registry | HW | Preziosi | Hearing continued indefinitely |
| 9-12-90 | Michael & Joyce Haws; George | Admin. Order | UT | Wornson | Case dismissed. Closed. |
| 10-15-90 | Westside General Store Corp. | Admin. Order | UT | Wornson | Evaluating inability to pay - |
| 12-03-90 | United States Gypsum Co.; | Site Registry | HC | Preziosi | Negotiating before filing. |
| 12-27-90 | McAtee Tire Service, Inc. | Admin. Order | SW | Kennedy | Amended order issued 1/11/96. |
| 1-07-91 | Joe E. Eggers, Jr.; Joe and Mary | Admin. Order/Penalty | SW | Kennedy | Hearing continued. Clean-up |
| 5-20-91 | Great Rivers Coop-Lockridge | Site Registry | HC | Murphy | Settlement proposed. |
| 9-25-91 | Archer Daniels Midland | Admin. Order | SW | Kennedy | DNR engineers reviewing |
| 1-17-92 | Hickory Hollow Water Co. | Admin. Order/Penalty | WS | Hansen | Settlement offer to WS. Counter |
| 1-30-92 | Center Oil Co., Inc. | Admin. Order | HC | Murphy | Negotiating before filing. |
| 4-09-92 | Wayne Transports, Inc. | Admin. Order/Penalty | WW | Murphy | Negotiating before filing. |
| 4-15-92 | Mulgrew Oil Co. | Admin. Order/Penalty | HC | Wornson | Settlement letter sent 8/31/94. |
| 4-24-92 | Charles A. Kerr | Admin. Order/Penalty | UT | Wornson | Financial inability claimed. |
| 5-05-92 | Plymouth Cooperative Oil Co. | Admin. Order/Penalty | WW | Murphy | Negotiating before filing. |
| 5-12-92 | Paris & Sons, Inc. | Site Registry | HC | Murphy | Negotiating before filing. |

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|----------|----------------------------------|----------------------|----|----------|-----------------------------------|
| 5-27-92 | Beckett Chevrolet-Olds | Admin. Order | UT | Wornson | Financial inability claimed. |
| 6-23-92 | Chickasaw County Board of | Admin. Order/Penalty | SW | Kennedy | County to include closing in FY |
| 8-06-92 | Randy Bonin and Vickie | Admin. Order/Penalty | SW | Kennedy | Clean-up progress is slow. |
| 8-24-92 | Dean Hoeness d/b/a Hoeness & | Admin. Order/Penalty | UT | Wornson | Financial inability claimed. |
| 9-21-92 | ITWC | Admin. Order/Penalty | AQ | Preziosi | Settlement close. |
| 9-22-92 | King's Terrace MHP | Admin. Order/Penalty | WW | Hansen | 8/94-Letter to facility regarding |
| 11-16-92 | Frank Hulshizer | Admin. Order/Penalty | SW | Kennedy | Amended order issued 1/11/96. |
| 12-14-92 | Quantum | Permit Conditions | WW | Hansen | 3/30/93 Dept. settlement offer |
| 1-22-93 | Pirelli Armstrong Tire Co. | Admin. Order/Penalty | SW | Kennedy | F.O. 5 to meet with company |
| 4-05-93 | Mapleton, City of | WW Operator | WW | Hansen | Under review by EPD. Appeal |
| 4-12-93 | LeMars, City of | Admin. Order/Penalty | WW | Hansen | Construction permit issued. |
| 4-19-93 | Council Bluffs, City of | Permit Conditions | WW | Hansen | 8/96 - Letter to City in attempt |
| 4-21-93 | Donald Udell | Admin. Order/Penalty | SW | Kennedy | Clean-up completed. Penalty |
| 4-26-93 | Crane Co. | Admin. Order/Penalty | SW | Kennedy | DNR engineers meeting with |
| 6-21-93 | Jacobs Energy Corp., Inc. | Permit Denial | AQ | Preziosi | Hearing continued. |
| 7-06-93 | Dennis E. Good | Admin. Order | UT | Wornson | 1/25/96-Letter to parties |
| 7-09-93 | Oakwood Park Water, Inc. | Admin. Order/Penalty | WS | Hansen | Construction permit issued |
| 7-20-93 | Valley Restaurant/Sierp Oil; | Admin. Order | UT | Wornson | Settlement expected. ????? |
| 7-20-93 | U.S. Dept. of Defense | Admin. Order/Penalty | UT | Wornson | SCRs on the site and several |
| 8-03-93 | Waldo Vannoy | Admin. Order | UT | Wornson | Compliance initiated. |
| 11-15-93 | J.P. Scherrman, Inc. | Admin. Order/Penalty | UT | Wornson | SCR accepted. Penalty letter |
| 11-16-93 | Iowa Southern Utilities | Permit Conditions | AQ | Preziosi | Awaiting summary of issues |
| 12-23-93 | Waverly Gravel & Ready-Mix | Admin. Order/Penalty | AQ | Preziosi | Negotiating penalty. Settlement |
| 1-06-94 | L.F. Everett and Betty Everett | Admin. | AQ | Preziosi | Consent amendment signed. |
| 1-20-94 | Gene Phillips d/b/a Phillips | | | | |
| 1-07-94 | Eli Shada | Admin. | UT | Wornson | SCR received 1/18/96; under |
| 1-18-94 | M & D Tire Processing, Inc. | Admin. | SW | Kennedy | Clean-up progressing. Penalty |
| 1-27-94 | Archer-Daniels-Midland | Permit Conditions | AQ | Preziosi | Negotiating before filing. |
| 2-14-94 | Economy Solar Corp. (94AQ04) | Admin. Order/Penalty | AQ | Preziosi | Judicial review decision |
| 2-21-94 | Toys "R" Us | Admin. Order/Penalty | UT | Wornson | SCR received. Negotiating |
| 2-28-94 | Coastal Mart - Davenport | Admin. Order/Penalty | UT | Wornson | Deficient SCR. Letter sent. |
| 3-03-94 | Burlington Northern Railroad | Tax Certification | WW | Hansen | 3/96 - Letter to company |
| 3-08-94 | Country Stores of Carroll, Ltd.; | Admin. Order/Penalty | UT | Wornson | All SCR's received. Settlement |
| 4-19-94 | Galva Union Elevator Co. | Admin. Order/Penalty | UT | Wornson | Negotiating penalty. |
| 5-10-94 | Dennis Malone; Joanne Malone | Admin. Order/Penalty | UT | Wornson | Untimely appeal. No closure as |
| 5-27-94 | Joseph L. Ranker; Daryl | Admin. Order/Penalty | UT | Wornson | Insurance to qualify for |
| 6-08-94 | Larry & Kelly Miller | Admin. Order/Penalty | UT | Wornson | SCR accepted 1/26/96. Penalty le |
| 6-15-94 | Lakeview Heights | Permit Conditions | WS | Hansen | Facility proposal under review |
| 6-20-94 | R.D.J. Farms and Donald Vogt | Admin. Order/Penalty | UT | Wornson | SCR accepted. Penalty letter |
| 6-24-94 | Griffith Oil Corp. | Admin. Order | UT | Wornson | SCR accepted. Penalty letter |
| 6-24-94 | Larence Otto | Admin. Order/Penalty | UT | Wornson | SCR approved 2/1/96. Follow- |
| 7-07-94 | Rose Bar Tire Shredding | Admin. Order | SW | Kennedy | In bankruptcy. 1/96 Working |

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| 7-12-94 | Tom Wiseman | Admin. Order/Penalty | UT | Wornson | Appeal untimely. Follow-up |
| 7-15-94 | Village Oaks Homeowners | Admin. Order/Penalty | WS | Hansen | WS reviewed file for |
| 7-25-94 | ACC Chemical Co.; Getty | Permit Conditions | WW | Hansen | Appeal settled. Revised permit |
| 8-12-94 | Karl and Thelma Boylan d/b/a | Admin. Order/Penalty | UT | Wornson | Inability to pay. Failed to return |
| 8-18-94 | Thomas Scheetz d/b/a The Depot | Admin. Order/Penalty | UT | Wornson | SCR accepted. Penalty letter |
| 8-29-94 | B and B Tire and Oil | Admin. Order/Penalty | UT | Wornson | SCR accepted. Letter sent |
| 9-01-94 | Elmer R. Faust d/b/a Faust | Admin. Order/Penalty | UT | Wornson | SCR accepted - negotiating |
| 9-02-94 | Crabtree Lake Resort | Admin. Order/Penalty | WW | Hansen | Facility in compliance. |
| 9-06-94 | HEW, inc. | Admin. Order/Penalty | AQ | Preziosi | 3/1/96 - Amended order to be |
| 9-09-94 | American Coals Corp., Site 5 | Admin. Order/Penalty | SW/AQ | Kennedy | Bankruptcy filed. Phone |
| 9-15-94 | Bankston | Admin. Order/Penalty | WS | Hansen | 1/95 - Information from City. |
| 9-16-94 | Wunschel Oil Co.; Vernus | Admin. Order/Penalty | UT | Wornson | Consent order. SCR received. |
| 9-23-94 | Chicago and Northwestern | Admin. | SW/WW | Murphy | Penalty paid. Case closed. |
| 9-26-94 | James D. Foust | Admin. Order/Penalty | SW | Kennedy | Settlement offer made 1/23/96. |
| 10-07-94 | Titan Wheel International | Admin. Order/Penalty | WW | Hansen | Revised BMR report |
| 10-19-94 | Ronald Sizemore; Mark Murphy | Admin. Order/Penalty | UT | Wornson | Inability to pay documented. |
| 10-26-94 | Boomsma's Inc. | Admin. Order/Penalty | AQ | Preziosi | Negotiating before filing. |
| 10-27-94 | George Dolan | Admin. Order/Penalty | UT | Wornson | SCR accepted. Penalty |
| 10-31-94 | Woodbury Co. Highway Dept. | Admin. Order/Penalty | UT | Wornson | SCR received. Penalty |
| 10-31-94 | Owens & Owens Realty, Inc.; | Admin. Order/Penalty | UT | Wornson | Proposed decision 10/5/95. |
| 11-02-94 | Richard Waugh | Admin. Order/Penalty | UT | Wornson | Site check received. Penalty |
| 11-10-94 | Williams Pipeline Company | Permit Denial | AQ | Preziosi | Permit issued. Settled. |
| 11-14-94 | Tom Babinat d/b/a Tom's Car | Admin. Order/Penalty | UT | Wornson | Inability to pay - request |
| 11-28-94 | Richard Beckett | Admin. Order/Penalty | UT | Wornson | Referral to UST Fund. Follow- |
| 12-14-94 | Campbell Clean-Up Service | Permit Denial | AQ | Preziosi | Negotiating before filing. |
| 1-10-95 | Steamboat Rock | Admin. Order | WS | Hansen | 2/95 - Settlement offer by City |
| 1-11-95 | Henry and Randy Krohn d/b/a | Admin. Order/Penalty | AQ/SW | Kennedy | Settlement offer made. FO |
| 1-13-95 | James and Roxann Neneman | Admin. Order/Penalty | UT | Wornson | Inability to pay. Forms sent. No |
| 1-13-95 | Simonsen Industries, Inc. | Admin. Order/Penalty | WW | Hansen | 2/28/95 - Submittal by facility's |
| 2-23-95 | Lehigh Portland Cement | Permit Conditions | WW | Hansen | Informal settlement meeting |
| 2-27-95 | Sale-R-Villa Construction | Admin. Order/Penalty | AQ | Preziosi | Settlement meeting held |
| 3-23-95 | American Coals Corp. | Admin. Order | SW | Kennedy | In bankruptcy. Phone |
| 4-13-95 | The Weitz Corp.; Barton | Admin. Order | HC | Kennedy | Remediation plan received |
| 4-19-95 | Otis Schultz d/b/a Schultz Oil | Admin. Order/Penalty | UT | Wornson | SCR accepted. Penalty |
| 4-26-95 | Larry Royer | Admin. Order/Penalty | WW | Clark | Second settlement letter |
| 5-03-95 | Bacon Addition Homeowners | Admin. Order/Penalty | WS | Clark | Compliance due 9/30/96 - |
| 5-05-95 | C & O Recycling Enterprises; | Permit Denial | AQ | Preziosi | Negotiating before filing. |
| 5-23-95 | Leonard Bormann | Admin. Order/Penalty | UT | Wornson | SCR received 10/26/95. Free |
| 5-25-95 | Ferris Sullivan d/b/a Sullivan's | Admin. Order/Penalty | UT | Wornson | Revised SCR received. Penalty |
| 5-25-95 | Marty Feinberg d/b/a Feinberg | Admin. Order/Penalty | HC/WW | Kennedy | Hearing set for 11/1/96. Clean- |
| 5-25-95 | E.I. DuPont DeNemours (95-A- | Permit Conditions | AQ | Preziosi | Awaiting engineering |
| 5-30-95 | Economy Solar Corp.; Jeffrey C. | Admin. Order/Penalty | AQ | Preziosi | 8/96 - Sent to DIA. |

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| 5-30-95 | Earth Media Technologies | Admin. Order/Penalty | SW | Kennedy | In the process of clean-up. |
| 5-31-95 | E.I. DuPont DeNemours (91-A- | Permit Conditions | AQ | Preziosi | Awaiting engineering |
| 6-01-95 | Mark Twain Meadows Assoc. | Admin. Order/Penalty | WS | Kennedy | Negotiating before filing. |
| 6-07-95 | Cumberland Ridge Homeowners | Admin. Order/Penalty | WS | Kennedy | Awaiting penalty payment - due |
| 6-09-95 | Don Peterson d/b/a Peterson | Admin. Order/Penalty | AQ | Preziosi | Settled. Awaiting final penalty |
| 6-16-95 | Allison Fire Dept.; City of | Admin. Order/Penalty | AQ | Preziosi | Awaiting penalty payment. |
| 6-16-95 | Pilot Oil Corporation | Admin. Order/Penalty | WW/UT | Murphy | Site clean-up proceeding. |
| 6-20-95 | Toledo, City of | Permit Conditions | WW | Hansen | WW permits to negotiate |
| 6-23-95 | Leonard C. Page | Admin. Order/Penalty | SW | Kennedy | Penalty settlement due 7/30/96. |
| 6-29-95 | White Oaks Homeowners Assn. | Admin. Order/Penalty | WS | Hansen | Informal meeting held 3/8/96. |
| 7-03-95 | Donald J. Foreman d/b/a D & R | Admin. Order/Penalty | WW | Hansen | Negotiating before filing. |
| 7-05-95 | Boyer Valley Co. | Admin. Order/Penalty | WW | Hansen | Informal meeting held for |
| 7-10-95 | Donald Krieger | Admin. Order/Penalty | UT | Wornson | Tanks removed. Report due. |
| 7-10-95 | Gilbert Persinger | Admin. Order/Penalty | UT | Wornson | SCR received - rejected. |
| 7-13-95 | Organic Technologies Corp. | Admin. Order | SW | Kennedy | Hearing continued. |
| 7-28-95 | Harold T. Knott; James C. Knott | Admin. Order | UT | Wornson | Negotiating before filing. |
| 8-01-95 | Wilbur McNear d/b/a McNear | Admin. Order/Penalty | UT | Wornson | SCR not received as of 2/29/96. |
| 8-18-95 | Holiday Mobile Lodge, Inc. | Admin. Order/Penalty | AQ/SW | Kennedy | Appellant's attorney reply due |
| 8-18-95 | Redmond Enterprises, Inc. | Admin. Order | UT | Wornson | Compliance initiated. |
| 8-24-95 | Shell Rock Products, Inc. | Admin. Order/Penalty | AQ/SW | Kennedy | Settlement offer due 8/1/96. |
| 9-06-95 | Kraft Foods Inc.; Oscar Mayer | Variance Denial | WW | Hansen | Informal meeting held |
| 9-12-95 | Colwell, City of | Admin. | WS | Hansen | 12/21/95 - Letter to City |
| 9-20-95 | FKI Industries, Inc.; Fairfield | Admin. Order | WW/HC | Murphy | Negotiating before filing. |
| 10-09-95 | E.L. Incorporated | Admin. Order/Penalty | SW | Kennedy | Appellant no longer accepting |
| 10-17-95 | Tri-County Bank | Admin. Order/Penalty | AQ | Preziosi | Awaiting penalty payment. |
| 10-17-95 | Weber Construction, Inc. | Admin. Order/Penalty | AQ | Preziosi | Sent to DIA. |
| 11-02-95 | Salsbury Chemicals, Inc. | Permit Conditions | WW | Hansen | Informal meeting held 12/4/95. |
| 11-03-95 | Jack Pinney Operations, Inc. aka | Admin. Order/Penalty | AQ | Preziosi | Settlement close. |
| 11-14-95 | Mike Barker | GW Professional | UT | Wornson | Settlement negotiations |
| 11-21-95 | Gary Watson | Admin. Order/Penalty | WW | Clark | Negotiating before filing. |
| 12-12-95 | Vernon Kinsinger; K & K | Admin. Order/Penalty | AQ/SW | Kennedy | Informal meeting held. |
| 12-13-95 | Roy Burger | Admin. Order/Penalty | UT | Wornson | Compliance complete - |
| 12-18-95 | Omega Cabinets | Permit Denial | AQ | Preziosi | Consent order signed. Penalty |
| 12-27-95 | Ag Processing, Inc. | Permit Denial | AQ | Preziosi | Negotiating before filing. |
| 12-28-95 | Site Services, Ltd. | Admin. Order/Penalty | AQ | Preziosi | Negotiating before filing. |
| 12-29-95 | Spencer Memorial Hospital | Admin. Order/Penalty | AQ | Preziosi | Negotiating before filing. |
| 1-04-96 | Catherine E. Meredith | Admin. Order | UT | Wornson | Current owner to complete |
| 1-04-96 | Massena, City of | Admin. Order/Penalty | WW | Clark | Negotiating before filing. |
| 1-08-96 | Westside Park for Mobile Homes | Admin. Order/Penalty | WW | Hansen | Past due monthly monitoring |
| 1-11-96 | Climax Molybdenum Company | Admin. Order/Penalty | AQ/HC | Preziosi | Negotiating before filing. |
| 1-12-96 | Clarence, City of | Admin. Order/Penalty | WW | Hansen | 1/96 - Facility inspected by FO |
| 1-17-96 | All-States Quality Foods, L.P. | Admin. Order/Penalty | WW | Murphy | Settlement offer 6/26/96. |

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| 1-19-96 | Bill Shirbroun d/b/a Was Broken | Admin. Order/Penalty | AQ/SW | Kennedy | Negotiating before filing. |
| 1-22-96 | Daryl Hollingsworth and Karen | Admin. Order/Penalty | UT | Wornson | Negotiating before filing. |
| 1-24-96 | Jolly Roger Campground | Admin. Order/Penalty | WW | Clark | Negotiating before filing. |
| 1-25-96 | Hidden Valley Mobile Home | Admin. Order/Penalty | WW | Clark | Negotiating before filing. |
| 1-25-96 | Markley Knock d/b/a Knock's | Admin. Order/Penalty | AQ/SW | Kennedy | Phone conference with attorney |
| 1-30-96 | Dean Williams d/b/a Williams | Admin. Order/Penalty | UT | Wornson | Compliance initiated. |
| 2-06-96 | Russell Stagg | Admin. Order/Penalty | AQ/SW | Kennedy | Negotiating before filing. |
| 2-12-96 | Solid Waste Management | Tonnage Fees | SW | Kennedy | Hearing held 5/31/96. Decision |
| 3-04-96 | Edward Bodensteiner | Admin. Order/Penalty | UT | Wornson | 8/96 - Sent to DIA. |
| 3-04-96 | Ames, City of | Permit Conditions | WS | Hansen | Informal meetings held 3/22/96 |
| 3-11-96 | Dallas County Care Facility | Admin. Order/Penalty | WW | Hansen | Negotiating before filing. |
| 3-11-96 | Marlin Brenneman | Admin. Order/Penalty | WW | Clark | Negotiating before filing. |
| 3-14-96 | Laurel, City of | Admin. Order | WW | Hansen | Information submitted by city |
| 3-14-96 | Lamoni, City of | Admin. Order | WW | Hansen | Negotiating before filing. |
| 3-19-96 | Obie's West | Admin. Order | WS | Hansen | Under review by WS section. |
| 3-22-96 | Mt. Joy Mobile Home Park | Admin. Order/Penalty | WW | Hansen | 3/25/96 Inspection by FO 6. |
| 3-26-96 | Louisa-Muscatine Community | Admin. Order/Penalty | WS | Hansen | Negotiating before filing. |
| 4-04-96 | Richard Hocraffer (DeCoster | Water Use Permit | WR | Clark | Appeal withdrawn 8/30/96. |
| 4-19-96 | C & I Eggs | Admin. Order/Penalty | WW | Clark | Negotiating before filing. |
| 5-03-96 | Mildred Eileen Bentley | Admin. Order/Penalty | AQ/SW | Kennedy | Negotiating before filing. |
| 5-07-96 | Lakeview Mobile Home Park | Admin. Order/Penalty | WW | Hansen | 6/20/96 - informal meeting |
| 5-08-96 | Vermeer Mfg. Co. (96AQ06) | Admin. Order/Penalty | AQ | Preziosi | Drafting consent order. |
| 5-14-96 | Gary Lee Walker | Admin. Order/Penalty | AQ/SW | Kennedy | Negotiating before filing. |
| 5-16-96 | Grand Laboratories, Inc. | Permit Denial | WW | Hansen | Negotiating before filing. |
| 5-29-96 | Champion Intl. Corp. | Permit Denial | AQ | Preziosi | Negotiating before filing. |
| 5-29-96 | Haasco, Ltd. | Admin. Order/Penalty | AQ | Preziosi | Negotiating before filing. |
| 6-03-96 | Mederer Corp. | Admin. Order/Penalty | WW | Murphy | Negotiating before filing. |
| 6-07-96 | Clow Valve Company | Permit Conditions | AQ | Preziosi | Negotiating before filing. |
| 6-07-96 | Koehring Cranes, Inc. | Open Burning | AQ | Preziosi | Negotiating before filing. |
| 6-10-96 | DeCoster Farms of Iowa (19 | Admin. Order | WW | Clark | Hearing set for 9/13/96. |
| 6-10-96 | DeCoster Farms of Iowa (5 sites) | Permit Denial | WR | Clark | Hearing set for 9/13/96. |
| 6-17-96 | Winsor Oil Co., Inc. ; Joyce | Admin. Order/Penalty | UT | Wornson | Hearing set for 9/30/96. |
| 6-19-96 | Appanoose Co. Sanitary Landfill | Permit Modification | SW | Kennedy | Negotiating before filing. |
| 6-25-96 | Bernie Brauns d/b/a Brauns | Admin. Order/Penalty | AQ/SW | Kennedy | Negotiating before filing. |
| 7-08-96 | Becker Gravel Co., Inc. | Admin. Order/Penalty | WW/FP | Clark | Negotiating before filing. |
| 7-11-96 | Ron Rupe | Admin. Order/Penalty | SW | Kennedy | Negotiating before filing. |
| 7/17/96 | Richard L. Magdefrau | Admin. Order/Penalty | AQ/SW | Kennedy | Negotiating before filing. |
| 8/01/96 | DeCoster Farms of Iowa | Permit Denial | WW | Clark | New case. Hearing set 9/13/96. |
| 8/01/96 | DeCoster Farms of Iowa | Admin. Order/Penalty | WW | Clark | New case. |
| 8/02/96 | Gene Hammen d/b/a Maple | Permit Denial | WW | Clark | New case. |
| 8/09/96 | Gene and Margaret Palmersheim | Admin. Order/Penalty | UT | Wornson | New case. |
| 8/19/96 | Capitol Oil Co., Inc. d/b/a | Admin. Order/Penalty | WW | Clark | New case. |

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| 8/20/96 | Monsanto (PWSID7048161) | Permit Conditions | WS | Hansen | New case. |
| 8/23/96 | Waste Management & Design | Admin., Order/Penalty | WW/SW | Kennedy | New case. Settlement pending. |
| 8/30/96 | Howard Victor & Wanda Victor | Admin. Order/Penalty | UT | Wornson | New case. |

Mr. Stokes reviewed that the Commission wanted an update from the Attorney General's Office on the enforcement reports and Dave Sheridan will speak to them momentarily. He stated that the Commission withdrew the rulemaking to expand manure management plan (MMP) requirements to facilities that were expanding, and the Administrative Rules Review Committee (ARC) is objecting to that action. Their objection was because it was withdrawal of a rulemaking and the base rules have been in existence for a long time, and it does not seem to have any kind of legal implications of altering the structure or the impact of the rule.

Mr. Stokes distributed copies of a letter he wrote to Chris Hess, EPA, encouraging them to approve the rules with retroactivity. He related that this was a result of a recent meeting with Dennis Grams and several other discussions with EPA. Mr. Stokes also distributed copies of a letter inviting interested stakeholders to another meeting with the Regional Administrator for EPA Region 7. The meeting is scheduled for October 3, and was sent to the list of stakeholders attached to the letter. He circulated several copies of the latest edition of "Air Currents," which discusses what the department is doing to work more openly, cooperatively, and dialogue better with the stakeholders relative to permit issuance.

Dave Sheridan (enforcement report update)

Dave Sheridan, Attorney General's Office, addressed the Commission noting that he will discuss current litigation if they would like to go into closed session. He related that he cannot discuss his work on any contested case but will discuss judicial proceedings.

Closed Session

Motion was made by Charlotte Mohr to go into closed session pursuant to Iowa Code Section 21.5(1)c to discuss strategy with counsel in matters where litigation is imminent where disclosure would be likely to prejudice or disadvantage the position of the government. Seconded by William Ehm.

Chairperson King requested a roll call vote. "Aye" vote was cast by Commissioners Mohr, Priebe, Townsend, Venner, Britt, Ehm, McWilliams, and King. Motion carried unanimously.

Motion was made by Terrance Townsend to adjourn the closed session and return to open session. Seconded by William Ehm. Motion carried unanimously.

Open Session

Chairperson King announced that the Commission did not take any action during closed session.

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CITY OF DECORAH - AMENDED AGREEMENT

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission is asked to approve an amendment to an agreement with the City of Decorah. The original agreement provided \$150,000 to the City for investigation and remediation of groundwater contamination resulting from activities of a third party which are impacting the City's drinking water supply. The investigative work has been completed and a report submitted. The report recommends that a soil vapor extraction and air sparging system be designed and installed to begin cleanup of the contamination. The department is in agreement with the recommendation.

It will be necessary to retain an outside contractor to accomplish this work. Under this amended agreement, the City would extend the contract with their present contractor and manage and administer the contract for the required services. The City is best able to manage these activities due to their proximity to the site and their familiarity with contract administration. The department would provide additional funding of up to \$103,000 from the State Abandoned and Uncontrolled Hazardous Substance and Hazardous Waste Remedial Fund to pay the costs associated with the additional work.

AMENDED AGREEMENT

Between

The Iowa Department of Natural Resources

and

The City of Decorah

PURPOSE:

On May 31, 1995 the department signed an agreement with the City of Decorah to provide \$150,000 to the City to obtain the services of a consultant/contractor to complete investigation of the contamination of city well #5. The contamination is believed to be caused by a business known as "Classic One Hour Dry Cleaners", located at 125 College Drive, Decorah, Iowa. The investigation work has been completed at a cost of approximately \$119,000. The next step is to design and install a system to remediate the site.

METHOD:

The City may utilize the services of a consultant/contractor and City staff to design and install a groundwater remedial system to remove the contamination from the soil and the contaminated groundwater plume originating at the dry cleaner location.

RESPONSIBILITIES

The City will be responsible for selecting the consultant/contractor, and paying for those services in accordance with policies and procedures the City normally uses for hiring professional services. The City will keep accurate and complete records of all expenditures, both monetary and in kind services, directly related to this project. Any monetary or in kind assistance provided by DNR, the dry cleaner or any other source shall be identified in the records and shall not be included in any request for reimbursement.

The City shall submit a report to the DNR any time significant information becomes available, but in no case shall the interval between reports exceed 45 days. The City agrees to consult with the DNR prior to the initiation, cancellation or revision of any significant work effort performed by the City or the Contractor.

The City may submit payment requests, with accompanying documentation of expenditures, at the end of each calendar month or any other mutually agreed upon date. DNR will review reports and other data or information submitted by the City and provide the City comments within ten working days of receipt.

TERMS OF AGREEMENT

The DNR agrees to reimburse the City with money from the State's hazardous waste remedial fund pursuant to Iowa Code 455B.423 for reasonable costs associated with implementation of activities prescribed in Part V: Recommendations and Cost Estimates of the Report Of PCE Contamination and Recommendation for Cleanup of Aquifer in Decorah, Iowa, June 3, 1996 by Environmental Services, Inc., Ames, Iowa.

This agreement shall remain in effect until terminated by the parties. This agreement may be canceled, extended or amended at Any time by mutual agreement of the parties. This agreement may be terminated by either party by providing the other party with thirty days written notice of the intent to cancel.

The DNR contact for issues relating to this agreement and the work pursuant thereto is Lavoy Haage, Supervisor of the Solid Waste Section and the City contact is Jerry Freund, City Administrator.

All work authorized by; the City pursuant to this agreement shall be for the purpose of remediation, containment or removal of the contaminant plume and its source. Ancillary costs resulting from actual or potential impacts on public or private property will not be reimbursed by DNR unless this agreement has been amended to authorize a specific expenditure.

The City's requests for reimbursement shall be submitted to DNR, Budget and Grants Bureau, on signed claim voucher forms provided by the DNR and shall be accompanied by an invoice when charges are the result of goods or services provided by a third party. The DNR will process and forward such request to the State Treasury within five working days or will contact the City if additional information or clarification is needed.

The amount of funds authorized for reimbursement to the city pursuant to this amended agreement shall not exceed \$103,000 unless authorized by an amendment agreed to by both parties.

Larry Wilson, Director
Department of Natural Resources

Date

Donald R. Wurtzel, Mayor
City of Decorah

Date

Mr. Stokes reviewed details of the contract amendments.

Motion was made by Verlon Britt to approve the Amended Agreement with the City of Decorah to provide additional funding up to \$103,000, for investigation and remediation of groundwater contamination. Seconded by William Ehm. Motion carried unanimously.

APPROVED AS PRESENTED

SECTION 319 NONPOINT SOURCE POLLUTION CONTROL PROJECTS APPROVAL

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

Commission approval is requested for 18 contracts for non-point source (NPS) pollution control projects. The contracts are for October '96 through September '97 activities of multi-year NPS projects. Funds for the contracts will be from EPA Section 319 grants awarded to the Department specifically for these projects. Funding from other state and federal programs will also be used to support activities in many of these projects.

The project descriptions, sponsors, and contract amounts are provided below. With the exception of the Multi-Species Riparian Buffer Strip Demonstration (#18), the contractor for all projects will be the Division of Soil Conservation of the Department of Agriculture and Land Stewardship (DSC).

Lake Protection and Improvement Projects - The following seven projects are projects which will protect and improve the water quality of the listed lakes. Protection of the lakes will be accomplished by reducing sedimentation from erosion of cropland and streambanks and nutrient loading from commercial fertilizers and animal wastes in the lake watersheds. Contract funds will be used to support project coordinators or other project staff and to provide financial incentives for best management practices including nutrient and pest management programs, grassed waterways, grass/tree filter strips, wetland restoration, sediment basins, contour farming, pasture and hay land management, and critical area plantings.

1. Beeds Lake Water Quality, Franklin County, DSC, \$53,500

2. Pine Creek (Upper and Lower Pine Lakes) Water Quality Project, Grundy and Hardin Counties, DSC, \$82,000
3. Iowa Great Lakes Protection Project, Dickinson County, DSC, \$45,500
4. Ingham/High Lake Complex Water Quality Project, Emmet County, DSC, \$68,000
5. Clear Lake Enhancement and Restoration Project, Cerro Gordo and Hancock Counties, DSC, \$68,000
6. Lucas County Lakes Water Quality Project, Lucas County, DSC, \$95,500
7. Storm Lake Water Quality Protection Project, Buena Vista County, DSC, \$59,000

Urban Non-point Source Pollution Projects - The following are projects to demonstrate the effectiveness and technical and economic feasibility of construction site erosion control practices in the three listed communities. In addition, the projects will provide training and information on such practices. The targeted audiences for these projects will be developers, general contractors, government officials, engineers and realtors. The erosion control practices to be demonstrated will meet or exceed applicable federal (NPDES), state, and local construction site erosion control requirements. Additionally, the projects will implement a construction site planning education program to educate the general public about construction site planning and land development. Contract funds will be used to support project coordinators and program administration.

8. Cedar Rapids Area Urban Water Quality Project, Linn County, DSC, \$18,000
9. Urban Frontier: Progress through Education, Johnson County, DSC, \$43,000
10. Des Moines Metro Area Urban Water Quality Project, Polk County, DSC, \$43,000

Trout Stream Protection Projects - The following are projects to protect and improve the water quality of the five listed trout streams. Protection of these streams will be accomplished by reducing sedimentation from erosion of cropland and streambanks and nutrient loading from commercial fertilizer and animal waste in the stream watersheds. Contract funds will be used to support project coordinators and project administration and to provide financial incentives for best management practices including streambank stabilization, stream corridor fencing, alternative watering systems, sinkhole and spring protection, nutrient and pest management, no-till farming, construction of animal waste management structures and grazing management.

11. Upper Big Mill Creek Watershed Project, Jackson County, DSC, \$35,000
12. Sny Magill Creek Water Quality Protection Project, Clayton County, DSC, \$23,000
13. Little Paint Creek Water Quality Protection Project, Allamakee County, DSC, \$42,000

14. Spring Branch Creek Water Quality Protection Project, Delaware County, DSC, \$71,000
15. Bigalk Creek Water Quality Protection Project, Howard County, DSC, \$57,000

Best Management Practice (BMP) Demonstration Projects

16. Demonstration and Evaluation of BMPs in Southern Iowa Pastures Along Riparian Areas on Warm-Water Streams, DSC, \$31,000 - The project will determine the impacts of grazing on the physical, chemical, and biological characteristics of warm water stream corridors and assist southern Iowa producers in realizing the economic benefits of improved forage and herd management. This project will be conducted in NRCS Administrative Area 5, which consists of 16 counties located in south-central Iowa. Contract funds will be used for the monitoring and evaluation of changes in the stream corridor following implementation of BMPs, development of a demonstration and public information program, and a project coordinator (½ FTE).
17. ADW User Assistance for Nutrient and Pest Management Practice Adoption, DSC, \$160,000
The project will protect and improve the groundwater quality in Humboldt, Pocahontas, and Wright Counties through the closure of surface water intakes associated with agricultural drainage wells (ADWs), the adoption of nutrient and pest management practices, and the encouragement of voluntary well closure where feasible alternate outlets are available. The project will provide one-on-one assistance to ADW users in the selection of appropriate nutrient and pest management practices and the development of management plans on a field-by-field basis. Contract funds will support one full-time project coordinator and two part-time crop consultants who will assist ADW users in developing and implementing nutrient and pest management plans.
18. Multi-Species Riparian Buffer Strip Demonstrations and Education Packages for the Bear Creek and Storm Lake Watersheds, Iowa Agriculture and Home Economics Experiment Station, \$47,500 - The project will protect and improve surface water quality of Bear Creek in Story County and Storm Lake by expanding the multi-species riparian buffer strip (MSRBS) demonstration site upstream of a previously-installed MSRBS along Bear Creek and by developing a MSRBS demonstration site along Powell Creek in the Storm Lake Watershed in Buena Vista County. Demonstration sites will be developed and monitored in both watersheds to show the landowners how MSRBS systems function as well as installation requirements. Bulletins and a video will be developed and field days will be conducted at each site. Contract funds will support a half-time staff position to carry out the project activities and provide up to 75% of the cost of the MSRBS.

Mr. Stokes briefly reviewed each project.

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| <i>Motion was made by Rita Venner to approve the Section 319 Nonpoint Source Pollution Control Projects as presented. Seconded by Terrance Townsend.</i> |
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Discussion followed regarding the deadline to complete the projects and the effectiveness of multi-species riparian buffer strips.

Vote on the motion carried unanimously.

APPROVED AS PRESENTED

POLK COUNTY AIR POLLUTION CONTROL PROGRAM CONTRACT APPROVAL

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to approve the attached interagency agreement between the Department and the Polk County Board of Supervisors. This agreement sets forth each agency's role in the ongoing implementation of the Polk County air quality construction permitting program and the Title V operating permit program mandated by the Clean Air Act Amendments of 1990.

The duties of the Polk County Air Pollution Control staff include reviewing applications and issuing permits for the construction of new air pollution sources, monitoring ambient air quality, performing inspections; and reviewing and drafting final Title V operating permits.

The agreement is for the period of July 1, 1996 through June 30, 1997. The agreement establishes four equal payments from the air contaminant fund, totaling \$312,840.

This agreement's payment total is \$74,680 less annually than the previous agreement. This is a result of the incorporation of Title V program start-up costs in preceding agreements.

(A copy of the agreement is on file in the department's Records Center)

Mr. Stokes gave a detailed explanation of the contract.

Motion was made by Verlon Britt to approve the contract for Polk County Air Pollution Control Program at a cost of \$74,680. Seconded by Charlotte Mohr. Motion carried unanimously.

APPROVED AS PRESENTED

ENVIRONMENTAL MONITORING AND LABORATORY SERVICES AGREEMENT WITH UHL - FY 1997

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

Commission approval is requested for the Federal Fiscal Year 1997 Agreement with the University of Iowa's Hygienic Laboratory (UHL) for environmental monitoring and laboratory services. The agreement includes air quality monitoring and reporting; water quality monitoring (ambient and compliance); fish tissue analysis; water supply analysis and reporting; and provisions for analytical work related to the underground storage tank and uncontrolled sites programs. The proposed 1997 agreement is essentially a continuation of the 1996 agreement with some increases in the Air Quality portion of the agreement for equipment, additional monitoring, and increased staff costs.

The amount of the agreement is estimated at \$1,020,959. Attached is a summary of the projected costs broken down by program areas. The agreement amount reflects UHL's best estimate of their actual costs plus the University's indirect cost rate. The funds for the agreement will come from various EPA grants as well as fees paid to the Department under the Department's air quality and water supply programs. Iowa Code §455B.103 requires the Department to contract with state public agencies for these services unless the required services cannot be provided by those agencies.

ESTIMATED UHL AGREEMENT BUDGET

| DESCRIPTION | FIXED PAYMENT AGREEMENT AMOUNT * | VARIABLE PAYMENT AGREEMENT ESTIMATE ** | ONE TIME AGREEMENT AMOUNT *** |
|-----------------------------------------------|----------------------------------------|-------------------------------------------------|-------------------------------------|
| Air Quality Monitoring (Article 3.1) | | | |
| Staff | 177,012 | | |
| Ambient Monitor Operation and Expenses | | 75,000 | |
| New cargo van for Ambient Monitoring Use | | | 20,000 |
| New Fire Box for Smoke Generator | | | 1,400 |
| Asbestos - Sample Analysis | | 11,600 | |
| Stack Emissions Monitoring | 210,000 | | |
| Subtotal | 387,012 | 86,600 | 21,400 |
| Water Quality Monitoring (Article 3.2) | | | |
| Fixed Monitoring - Monthly | 94,780 | | |
| Fixed Monitoring - Quarterly | 23,300 | | |
| Compliance Sampling Inspections (CSI) | 51,200 | | |
| Field Support Sample Analysis | 64,116 | | |
| Fish Kill Sample Analysis | | 1,000 | |
| Emergency Response | 15,000 | | |
| Fish Tissue Monitoring | | 1,000 | |
| Ecoregion/biocriteria stream sampling | | 70,000 | |
| Stream bioassessment / Watershed Study | | 43,660 | |
| Storm Water Runoff Sampling | | 5,000 | |
| Subtotal | 248,396 | 120,660 | |
| Water Supply Monitoring (Article 3.3) | | | |
| Primary drinking water monitoring | | 3,100 | |
| SOC and pesticide monitoring | | 1,200 | |
| Unscheduled investigations | | 1,200 | |

| DESCRIPTION | FIXED PAYMENT AGREEMENT AMOUNT * | VARIABLE PAYMENT AGREEMENT ESTIMATE ** | ONE TIME AGREEMENT AMOUNT *** |
|-------------------------------------------------|----------------------------------------|-------------------------------------------------|-------------------------------------|
| Reporting UHL analytical data | 33,765 | | |
| Reporting non-UHL analytical data | 27,626 | | |
| Subtotal | 61,391 | 5,500 | |
| Leaking Underground Storage Tanks (Article 3.4) | | 20,000 | |
| Waste Monitoring (Article 3.5) | | 70,000 | |
| TOTAL OF COLUMNS | 696,799 | 302,760 | 21,400 |
| TOTAL OF ALL THREE COLUMNS | 1,020,959 | | |

* The amounts in this column were negotiated on a fixed-cost basis and are paid in equal quarterly payments.

** The amounts in this column were negotiated on a cost-reimbursable basis and are paid monthly or quarterly as accrued. The total amount billed may be less as these are maximum amounts.

*** The amounts in this column were negotiated on a cost-reimbursable basis and are paid when the activity/purchase is completed.

Mr. Stokes reviewed details of the UHL agreement.

Discussion followed regarding the budget, and costs to the DNR being less than to the public.

Motion was made by William Ehm to approve the UHL Agreement for 1997 as presented. Seconded by Terrance Townsend. Motion carried unanimously.

APPROVED AS PRESENTED

PROPOSED RULE--CHAPTERS 20, 21, 22, 23, 25 AND 29, AIR QUALITY

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to approve the attached Notice of Intended Action to amend Chapter 20, "Scope of Title-Definitions-Forms-Rules of Practice," Chapter 21, "Compliance," Chapter 22, "Controlling Pollution," Chapter 23, "Emission Standards for Contaminants," Chapter 25, "Measurement of Emissions," and Chapter 29, "Qualification in Visual Determination of the Opacity of Emissions," Iowa Administrative Code at their October 1996 meeting. These rules are being provided to the Commission at this time for information only.

Items 2, 7, and 11 would make minor changes in wording for clarification purposes.

Item 1 would amend 567-subrule 22.1(2) to add the National Emissions Standards for Hazardous Air Pollutants (NESHAPS) contained in 40 CFR Part 63 to the list of rules specifically applicable when determining whether a source is exempt from the requirement to obtain a construction permit.

Item 3 would remove the chemical compound Caprolactam (Cas No. 105602) from the list of "Hazardous air pollutants". This delisting was initiated by EPA in response to a petition filed by several chemical companies.

Item 4 would amend paragraph 22.101(1)"c" to specify that sources required to obtain a Title V operating permit include sources subject to 567-subrule 23.1(4) (emission standards for hazardous air pollutants for sources categories) and to clarify which sources must obtain Title V permits and what information must be included in the permit application for certain sources.

Item 5 would amend paragraph 22.101(2) to clarify that once the final promulgation of a federal standard occurs under the provisions of 40 CFR Part 60 or 63 to which the source is subject, the source must obtain a Title V permit. This item also would change the date of deferral for eligible sources from obtaining a Title V operating permit to December 9, 1999. Eligible sources are those listed in 22.101(1) that are not major sources, affected sources, or solid waste incineration units required to obtain a permit pursuant to section 129(e) of the Act. This item also would clarify that sources receiving a deferral under this rule shall submit Title V permit applications within 12 months of this date.

Item 6 would exempt from obtaining a Title V operating permit any decorative chromium electroplating operation or chromium anodizing operation that uses fume suppressants as an emission reduction technology; and any decorative chromium electroplating operation that uses a trivalent chromium bath that incorporates a wetting agent as a bath ingredient that are not by themselves major sources and that are not located at major sources, as defined under 40 CFR 70.2. This item also would exempt from obtaining a Title V operating permit any batch cold solvent cleaning machine as defined in 40 CFR 63 subpart T that is not itself a major source and that is not located at a major source. These exemptions are in response to EPA's action to permanently exempt certain sources from Title V permitting requirements.

Item 8 would amend subrule 22.105(2) to further specify the information that must be included in a Title V permit application for certain sources.

Item 9 would amend subrule 22.106(1) to clarify the basis for Title V permit fees.

Item 10 would establish a new rule 22.148, adopting by reference part of the Code of Federal Regulations allowing combustion or process sources which emit sulfur dioxide to elect to become affected units under the provisions of the Acid Rain Program.

Item 12 would amend subrule 22.201(2) to clarify the requirement for eligibility to obtain a voluntary operating permit and would change the eligibility date for some sources subject to this

subrule. The new date to be included, December 9, 1999, will coincide with EPA's deferral date.

Items 13 and 14 would amend rules 22.202 and 22.203 to add an application shield for sources applying for voluntary operating permits. Item 14 also changes rule 22.203 to specifically require that an original of the application to submitted to the department.

Item 15 would change the date by which sources restricted by paragraphs 22.300(3)"b" and "c" may operate under the provisions of the permit by rule for small sources. The new date would be December 9, 1999, which coincides with EPA's deferral date.

Item 16 would amend paragraph 22.300(8)"a" to add an application shield for sources attempting to comply with the provisions of the operating permit by rule for small sources.

Item 17 would add municipal solid waste landfills (Subpart WWW) and emission guidelines and compliance times for municipal solid waste landfills (Subpart Cc) to the list of source categories affected by new source performance standards.

Item 18 would change the title to subrule 23.1(4) from "emission standards for hazardous air pollutants" to "emission standards for hazardous air pollutants for source categories" to clarify the purpose of the subrule. This amendment also would include all updates and changes to 40 CFR Part 63 through June 24, 1996.

Item 19 would add emission standards for hazardous air pollutants (NESHAP) for the printing and publishing industry.

Item 20 would add emission standards for hazardous air pollutants (NESHAP) for the shipbuilding and ship repair (surface coating) operations.

Item 21 would add emission standards for hazardous air pollutants (NESHAP) from wood furniture manufacturing operations

Item 22 would add emission standards for marine tank vessel loading operations.

Item 23 would update the adoption by reference date references to the Code of Federal Regulations throughout chapter 20, 21, 22, 23, 25, and 29.

(A copy of the rule is on file in the department's Records Center)

Mr. Stokes reviewed the proposed rules noting that they will bring the state up to date with corresponding changes in federal rules, primarily dealing with hazardous air pollutants and national emissions standards for hazardous air pollutants. He stated that staff are working on a change in the rulemaking process to add to proposed rules a business impact analysis as well as an economic analysis, and to clearly identify impacted stakeholders. He added that on minor changes to correlate with federal changes, staff will try to group those in an omnibus type of rule change so it will provide a more comprehensive picture.

| |
|---------------------------|
| INFORMATIONAL ONLY |
|---------------------------|

NOTICE OF INTENDED ACTION--CHAPTERS 20 AND 22, REVISION OF POTENTIAL TO EMIT FOR EMERGENCY GENERATORS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to approve the attached Notice of Intended Action to amend Chapter 20, "Scope of Title - Forms - Rules of Practice," and Chapter 22, "Controlling Pollution," 567 Iowa Administrative Code.

The purpose of this rule-making is to amend the definition of "potential to emit" pertaining to construction permits and Title V operating permits, as the term specifically applies to emergency generators. "Potential to emit" is defined in the Clean Air Act. The United States Environmental Protection Agency has provided guidance which relaxes the definition for emergency generators.

Under current rule, potential to emit for these sources is a throughput estimate based upon year-round operation of the sources at the sources' maximum rate of operation. However, unique inherent physical limitations and operational design features restrict the potential emissions of emergency generators. If these limitations are not taken into account, potential emissions for these sources could be overestimated. Emergency generators, to which the amended definitions apply, may not need a Title V operating permit and may not need to pay the Title V fee.

**ENVIRONMENTAL PROTECTION COMMISSION [567]
Notice of Intended Action**

Pursuant to the authority of Iowa Code section 455B.133, the Environmental Protection Commission hereby gives Notice of Intended Action to amend Chapter 20, "Scope of Title - Definitions - Forms - Rules of Practice," and Chapter 22, "Controlling Pollution," 567 Iowa Administrative Code.

Item 1 adds the definition of "emergency generator," to 567--20.2, pertaining to construction permits.

Item 2 amends the definition of "potential to emit" as the term specifically applies to emergency generators, to 567--20.2, pertaining to construction permits.

Item 3 adds the definition of "emergency generator" to 567--22.100, pertaining to Title V Operating Permits.

Item 4 amends the Title V definition of "potential to emit" as the term specifically applies to emergency generators. Under current rule, potential to emit for these sources is a throughput

estimate based upon year-round operation of the sources at the sources' maximum rate of operation.

"Potential to emit" is defined in the Clean Air Act. The United States Environmental Protection Agency has provided guidance which relaxes the definition for emergency generator source category.

Any person may make written suggestions or comments on the proposed rules on or before _____. Written comments should be directed to Scott Vander Hart, Iowa Department of Natural Resources, Wallace State Office Building, 900 East Grand Avenue, Des Moines, Iowa 50319-0034, FAX (515) 281-8895.

A public hearing will be held on _____ at _____ in _____, at which time comments may be submitted orally or in writing.

Any persons who intend to attend a public hearing and have special requirements, such as those related to hearing or mobility, should contact the Department of Natural Resources to advise the Department of any specific needs.

These amendments may impact small business.

These amendments are intended to implement Iowa Code section 455B.133.

The following amendments are proposed.

ITEM 1. Add the following new definition, in alphabetical order, to **567--20.2(455B)**

Definitions:

"Emergency generator" means any generator of which the sole function is to provide emergency back-up power when electric power from the electric utility is unavailable. An emergency generator does not mean:

- a. A peaking unit at electric utilities; or
- b. A generator at industrial facilities that typically operate at low rates, but are not confined to emergency purposes; or
- c. Any standby generator that are used during time periods when power is available from the electric utility.

ITEM 2. Amend the definition of "Potential to emit" to **567-- 20.2(455B) Definitions:**

"Potential to emit" means the maximum capacity of a stationary source to emit any air pollutant under its physical and operational design. Any physical or operational limitation on the capacity of a source to emit an air pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation is enforceable by the administrator. This term does not alter or affect the use of this term for any other purposes under the Act, or the term "capacity factor" as used in Title IV of the Act or the regulations relating to acid rain.

For the purpose of determining the potential to emit for country grain elevators, the "maximum capacity" means the greatest amount of grain received by the elevator during one year of the previous five year period, multiplied by an adjustment factor of 1.2. If the source is subject to new source construction permit review, than potential to emit is defined as stated above or as established in a federally enforceable permit.

For purposes of calculating potential to emit for emergency generators "maximum capacity" means 500 hours of operation annually, the number of hours specified in a limitation enforceable by the administrator, or 8,760 hours of operation annually.

ITEM 3. Add the following new definitions, in alphabetical order, to **567--22.100(455B) Definitions for Title V Operating Permits:**

"*Emergency generator*" means any generator of which the sole function is to provide emergency back-up power when electric power from the electric utility is unavailable. Emergency generator does not mean:

- a. A peaking units at electric utilities; or
- b. A generators at industrial facilities that typically operate at low rates, but are not confined to emergency purposes; or
- c. Any standby generator that are used during time periods when power is available from the electric utility.

ITEM 4. Amend the definition of "*potential to emit*" in **567--22.100(455B) Definitions for Title V Operating Permits** as follows:

"*Potential to emit*" means the maximum capacity of a stationary source to emit any air pollutant under its physical and operational design. Any physical or operational limitation on the capacity of a source to emit an air pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation is enforceable by the administrator. This term does not alter or affect the use of this term for any other purposes under the Act, or the term "capacity factor" as used in Title IV of the Act or the regulations relating to acid rain.

For the purpose of determining potential to emit for country grain elevators, the "maximum capacity" means the greatest amount of grain received by the elevator during one year of the previous five years period, multiplied by an adjustment factor of 1.2.

For purposes of calculating potential to emit for emergency generators, "maximum capacity means 500 hours of operation annually, the number of hours specified in a limitation enforceable by the administrator, or 8,760 hours of operation annually.

Date

Larry J. Wilson, Director

Mr. Stokes gave a detailed explanation of the rules.

Motion was made by Gary Priebe to approve Notice of Intended Action--Chapters 20 and 22, Revision of Potential to Emit for Emergency Generators. Seconded by Verlon Britt.

Dean McWilliams asked if this applies to back-up generators used by hog producers.

Mr. Stokes stated that it could apply to them, adding that there is not a size threshold when it comes to the Title V operating permit. He noted that there is a size threshold of where one has to come in to get a construction permit, and if it is under 400 h.p. a construction permit is not needed. He related that under these rules calculations are on the potential to emit and expanded on how that is done.

William Ehm asked if EPA will allow anything on peaking generators.

Mr. Stokes stated that he doubts that they will.

Vote on Commissioner Priebe's motion carried unanimously.

APPROVED AS PRESENTED

FINAL RULE--CHAPTER 23, OPEN BURNING

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to approve the attached Adopted and Filed Notice to amend Chapter 23, "Emission Standards for Contaminants," 567 Iowa Administrative Code.

The purpose of this rulemaking is to make consistent the provisions of two of the exemptions to the Department's rule prohibiting open burning. Both 567 I.A.C. 23.2(3)"b" and 567 I.A.C. 23.2(3)"i" prohibit the use of an exemption where the burn site is located within one-fourth mile of the inhabited structures specified in the subrule, but paragraph 23.2(3)"i" allows the owners of the inhabited buildings within one-fourth mile of the burn site to waive their rights under the rule by submitting a written affidavit to the Department prior to the open burning. This amendment to paragraph 23.2(3)"b" would change the rule to allow that owners of inhabited buildings within one-fourth mile of a burn site falling within the provisions of paragraph 23.2(3)"b" also could waive their rights through a one-time written affidavit submitted to the Department.

Notice of Intended Action was published in the June 19, 1996, Iowa Administrative Bulletin as ARC 6493A. No comments were received during the public comment period or at the public hearing held July 9, 1996, and the adopted amendments are identical to those published in the Notice of Intended Action.

ENVIRONMENTAL PROTECTION COMMISSION[567]**Adopted and Filed**

Pursuant to the authority of Iowa Code section 455B.133, the Environmental Protection Commission hereby amends Chapter 23, "Emission Standards for Contaminants," Iowa Administrative Code.

The purpose of this amendment is to make consistent the provisions of two of the exemptions to the Department's rule prohibiting open burning. Both 567 IAC 23.2(3)"b" and 567 IAC 23.2(3)"i" prohibit the use of an exemption where the burn site is located within one-fourth mile of the inhabited structures specified in the subrule, but paragraph 23.2(3)"i" allows the owners of the inhabited buildings within one-fourth mile of the burn site to waive their rights under the rule by submitting a written affidavit to the Department prior to the open burning. This amendment to paragraph 23.2(3)"b" would change the rule to allow that owners of inhabited buildings within one-fourth mile of a burn site falling within the provisions of paragraph 23.2(3)"b" also could waive their rights through a one-time written affidavit submitted to the Department.

Notice of Intended Action was published in the June 19, 1996, Iowa Administrative Bulletin as ARC 6493A. No comments were received during the public comment period or at the public hearing held July 9, 1996, and the adopted amendments are identical to those published in the Notice of Intended Action.

This rule was adopted by the Environmental Protection Commission on (date).

This rule shall become effective on (date).

This rule is intended to implement Iowa Code section 455B.133.

The following amendment is adopted.

Amend the introductory paragraph of 23.2(3)"b" as follows:

b. Trees and tree trimmings. The open burning of trees and tree trimmings not originated on the premises provided that the burning site is operated by a local governmental entity, the burning site is fenced and access is controlled, burning is conducted on a regularly scheduled basis and is supervised at all times, burning is conducted only when weather conditions are favorable with respect to surrounding property, and the burning site is limited to areas at least one-quarter mile from any inhabited building unless a written waiver in the form of an affidavit is submitted by the owner of the building to the department and to the local governmental entity prior to the first instance of open burning at the site which occurs after the effective date of this rule. The written waiver shall become effective only upon recording in the office of the recorder of deeds of the county in which the inhabited building is located. However, when the open burning of trees and tree trimmings causes air pollution as defined in Iowa Code section 455B.131(3), the department may take appropriate action to secure relocation of the burning operation. Rubber tires shall not be used to ignite trees and tree trimmings.

Date

Larry J. Wilson, Director

Mr. Stokes briefly reviewed the rules.

Motion was made by Charlotte Mohr to approve Final Rule--Chapter 23, Open Burning. Seconded by Rita Venner. Motion carried unanimously.

APPROVED AS PRESENTED

**NOTICE OF INTENDED ACTION--CHAPTER 61, WATER QUALITY STANDARDS,
SECTION 401 CERTIFICATION OF SECTION 404 NATIONWIDE PERMITS**

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

Attached for the Commission's approval is a Notice of Intended Action which would initiate rulemaking to provide Section 401 water quality certification for reissued or new Corps' Section 404 Nationwide Permits (NWP's). Section 401 of the Clean Water Act requires that before the Corps can issue a Section 404 permit for the discharge of dredged or fill material into the nation's waters, the state water quality agency must certify that the proposed action will not violate state water quality standards. NWP's are general or "blanket" permits authorizing minor activities on a nationwide basis.

The Corps recently issued notice that they are proposing to reissue all existing NWP's (some with modifications) and to issue four new NWP's. All but one of the existing NWP's expire on January 21, 1997. The Corps' notice also served as the Corps' request to states to issue, deny, or waive Section 401 certification for the reissued and new NWP's. Failure to issue or deny certification within 60 days of the Corps' final action would constitute waiver (i.e., *de facto* issuance) of certification.

The Corps is currently requesting comments on the proposed new NWP's as well as the proposed changes to existing NWP's. Therefore, the NWP's eventually adopted by the Corps may differ from the proposed NWP's as published in the June 17, 1996 Federal Register. The Notice of Intended Action notes this and indicates that comments provided during the public comment period will be used by the Commission in their decision to provide or deny certification after the Corps takes final action on the NWP's. If the Commission's Notice of Intended Action were delayed until the Corps took final action on the NWP's, certification could not be provided within the 60 day time period and the Corps would have to assume the Commission waived certification.

**ENVIRONMENTAL PROTECTION COMMISSION [567]
Notice of Intended Action**

Pursuant to the authority of Iowa Code sections 455B.105 and 455B.173, the Environmental Protection Commission gives Notice of Intended Action to amend Chapter 61, "Water Quality Standards," Iowa Administrative Code. The proposed amendment will provide water quality certification pursuant to Section 401 of the federal Clean Water Act (33 U.S.C. Section 1341) for 32 U. S. Army Corps of Engineers' Nationwide Permits (NWP's).

Section 404 of the Clean Water Act requires a permit from the Corps of Engineers for the discharge of dredged or fill materials into the nation's waters. Section 401 of the Act requires that before the Corps can issue a Section 404 permit, the state water quality agency must certify that the proposed activity will not violate state water quality standards.

Section 404 authorizes the Corps to issue general permits on a state, regional or nationwide basis for categories of activities where such activities will have minimal adverse effects. The Corps has used their general permit authority to issue a number of general permits on a nationwide basis (i.e., NWP's). General permits, including nationwide permits, can be issued for a period not exceeding five years and a state water quality agency must provide Section 401 certification for a general Section 404 permit before the general permit is valid for that particular state. The Commission previously provided Section 401 certification for 27 NWP's and four regional permits. These permits are referenced in 61.2(2)"h." All but one of the existing NWP's expire on January 21, 1997.

The Corps recently issued notice of intent to reissue all existing NWP's, with some modifications, and to issue four new NWP's (61 FR 30780, June 17, 1996). A copy of the Federal Register with the proposed NWP's is on file with the Administrative Rules Coordinator and can be obtained from the Department of Natural Resources. This amendment would provide Section 401 certification for the reissued and new NWP's.

Any interested person may file written comments on the proposed amendment on or before November 5, 1997. Written comments should be directed to Maggie Clover, Department of Natural Resources, 900 East Grand, Des Moines, IA 50319-0034 (FAX 515-281-8895). Oral or written comments will also be accepted at a public hearing to be held (one public hearing in Des Moines will be scheduled). Questions regarding the proposed action or Corps' NWP's should be directed to Maggie Clover at 515-281-6615.

The Corps is currently requesting comments on the proposed NWP's and, therefore, the NWP's adopted by the Corps may differ from the proposals as contained in the June 17, 1996 Federal Register. The Commission will not take final action on this proposed amendment prior to the Corps' publication of the adopted NWP's and will consider all comments provided during the public comment period before taking final action.

This amendment may have an impact on small businesses.

This amendment is intended to implement Iowa Code Chapter 455B, division III, part 1.

Amend paragraph 61.2(2) "h" as follows:

h. This policy shall be applied in conjunction with water quality certification review pursuant to Section 401 of the Act. In the event that activities are specifically exempted from flood plain development permits or any other permits issued by this department in 567—Chapters 70, 71, and 72, the activity will be considered consistent with this policy. Other activities not otherwise exempted will be subject to 567—Chapters 70, 71, and 72 and this policy. The repair and maintenance of a drainage district ditch as defined in 567—70.2(455B, 481A) will not be considered a violation of the anti-degradation policy for the purpose of implementing Title IV of these rules. United States Army Corps of Engineers (Corps) nationwide permits, ~~33 CFR 330, numbers 3, 4, 5, 6, 7, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 25, 26, 27, 29, 32, 33, 34, 36, 37, 38, and 40, A, B, C, and D as promulgated November 22, 1991, and number 29 as promulgated September 25, 1995~~ (*insert new promulgation date*) are certified pursuant to Section 401 of the Clean Water Act. Regional permit numbers 2, 7, 12, and 20 of the Rock Island District of the Corps are also certified. No specific Corps permit or 401 certification is required for activities covered by these permits unless required by the nationwide permit or the Corps, and the activities are allowed subject to the terms of the nationwide and regional permits.

Mr. Stokes reviewed the rules in detail.

Motion was made by Dean McWilliams to approve Notice of Intended Action--Chapter 61, Water Quality Standards, Section 401 Certification of Section 404 Nationwide Permits. Seconded by Terrance Townsend. Motion carried unanimously.

APPROVED AS PRESENTED

EMERGENCY ADOPTED RULE--CHAPTERS 60, 62, AND 63, WATER QUALITY

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The commission is asked to approve revisions to Chapters 60, 62 and 63 of the rules. Chapter 60 of the rules provides general definitions of terms used elsewhere in the rules and rules of practice, including forms, applicable to the departments administration of the wastewater program. Chapter 62 adopts, by reference, the federal effluent and pretreatment standards applicable to industrial dischargers. Chapter 63 specifies minimum monitoring requirements, analytical procedures and reporting requirements applicable to all wastewater dischargers.

The purpose of this rulemaking is to update references in rules 62.4 (455B) and 62.5 (455B) to federal effluent and pretreatment standards which need to be changed to remain current with federal regulations. The change to rule 60.2 (455B) is to update the definition of "Act" to include amendments to the Water Pollution Control Act through July 1, 1996. The change to

subrule 63.1(1) is to update the reference to the latest EPA approved analytical methods which must be used by wastewater discharges to remain current with federal requirements.

The commission is being asked to adopt these rules without public notice and participation. Adoption of federal effluent and pretreatment standards by reference, without public notice, is specifically provided for by rule 62.2 (455B) and Iowa Code section 17A.4(1). Because the commission must adopt effluent and pretreatment standards at least as stringent as the federal standards in order to have EPA approval of the NPDES program, and the Iowa Code section 455B.173(3) prohibits the commission from adopting standards more stringent than the federal standards, public participation in this rulemaking is unnecessary. Although analytical methods are not effluent or pretreatment standards, these methods are required by federal regulations to be used to determine compliance with federal standards and in the submission of permit applications and other reports to the department. Because analytical methods at least as stringent as the federal methods are required to be used, and the federal methods are adopted by reference in subrule 63.1(1), the commission is asked to adopt this rule without notice and public participation as well.

ENVIRONMENTAL PROTECTION COMMISSION Adopted and Filed Without Notice

Pursuant to the authority of Iowa Code sections 455B.105 and 455B.173, the Environmental Protection Commission amends Chapter 60, "Scope of Title - Definitions - Forms - Rules of Practice," Chapter 62, "Effluent and Pretreatment Standards: Other Effluent Limits or Prohibitions," and Chapter 63, Monitoring, Analytical and Reporting Requirements, Iowa Administrative Code.

The purpose of this rule making is to update references in rules 62.4(455B) and 62.5(455B) to federal effluent and pretreatment standards found in 40 Code of Federal Regulations (CFR) which need to be changed due to federal amendments and revisions to 40 CFR. The change to rule 60.2(455B) is to update the definition of "Act" to include amendments to the Water Pollution Control Act through July 1, 1996. The change to subrule 63.1(1) is to update the reference to the latest federally approved methods for the analysis of wastewater samples which are adopted by reference.

In accordance with Iowa Code section 17A.4(2), the Commission finds that notice and public participation are unnecessary. Under rule 62.2(455B) the Commission has determined previously that good cause exists for exempting from the notice and public participation requirements of Iowa Code section 17A.4(1) the adoption by reference of certain federal effluent and pretreatment standards. The Commission found that public participation is unnecessary since the Commission must adopt effluent and pretreatment standards at least as stringent as the enumerated promulgated federal standards in order to have continued approval of the Environmental Protection Agency (EPA) of the Department's NPDES program. Iowa Code section 455B.173(3) requires that the effluent and pretreatment standards adopted by the Commission not be more stringent than the enumerated promulgated federal standards. The Commission also found that public participation is unnecessary when updating the reference to approved methods for analysis because these methods are required by EPA to be used to implement federal effluent and pretreatment standards.

The Commission adopted these amendments on September 16, 1996. These amendments will become effective on November 13, 1996.

These amendments may have an impact upon small businesses.

These amendments are intended to implement Iowa Code chapter 455B, division III, part 1.

The following amendments are adopted:

ITEM 1. Amend rule 567--60.2 (455B), definition of "Act," to read as follows:

"Act" means the Federal Water Pollution Control Act as amended through July 1, ~~1995~~ 1996 33 U.S.C. §1251 et seq.

ITEM 2. Amend rule 567--62.4(455B) to read as follows:

567--62.4(455B) Federal effluent and pretreatment standards. The federal standards, 40 Code of Federal Regulations (CFR), revised as of July 1, ~~1995~~ 1996, are applicable to the following categories:

ITEM 3. Amend rule 567--62.5(455B) to read as follows:

567--62.5(455B) Federal toxic effluent standards. The following is adopted by reference: 40 CFR part 129, revised as of July 1, ~~1995~~ 1996.

ITEM 4. Amend subrule 567--63.1(1) paragraph *a* to read as follows:

567--63.1(1)*a*. The following is adopted by reference: 40 Code of Federal Regulations (CFR) Part 136 revised as of July 1, ~~1995~~ 1996.

Date

Larry J Wilson, Director

Mr. Stokes reviewed details of the rule noting that these rules update the state's adoption by reference to the most current set of rules adopted by EPA.

Motion was made by Verlon Britt to approve Emergency Adopted Rule--Chapters 60, 62, and 63, Water Quality Standards. Seconded by Terrance Townsend. Motion carried unanimously.

APPROVED AS PRESENTED

FINAL RULE--CHAPTER 53, PROTECTED WATER SOURCES

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission is asked for final approval to amend Chapter 53. The amendment will designate the area surrounding the former Ralston industrial disposal site in Cedar Rapids as a protected water source. This designation (the first of its kind) will enable the department to restrict or deny any withdrawal of groundwater within the designated area which may be impacted by contamination from the Ralston site or cause an expansion in the area of groundwater contamination.

Rockwell International, Inc., the party responsible for the Ralston site, has petitioned the department for this designation. Rockwell is in the process of completing extensive cleanup actions at the Ralston site. Some residual groundwater contamination is anticipated despite these efforts.

The potential loss of water resources resulting from this proposed designation is considered to be minor. The entire area is serviced by municipal water supplies. The Cedar Rapids and Marion water supplies and the Linn County Health Department have been appraised of this proposal.

A public hearing on the Notice of Intended Action to amend Chapter 53 was held in Cedar Rapids on August 7, 1996. Nine individuals from outside the agency attended this meeting including representatives of the U.S. EPA, Linn County Health Department, Cedar Rapids Water Department, the Sierra Club, Rockwell, and Rockwell's consultant. One comment letter was also received. A summary and response to comments is attached. No change in the rule as proposed in the Notice of Intended Action is recommended. A copy of the adopted and final rule is attached.

ENVIRONMENTAL PROTECTION COMMISSION [567]**Adopted and Filed**

Pursuant to the authority of Iowa Code sections 455A.6 and 455B.263, the Environmental Protection Commission hereby amends Chapter 53, "Protected Water Sources - Purposes- Designation Procedures - Information in Withdrawal Applications - Limitations - List of Protected Sources," Iowa Administrative Code.

The amendment, as adopted by the Environmental Protection Commission on September 16, 1996, designates the area within a mile of the Ralston Site in northeastern Cedar Rapids as a protected water source. The Ralston Site was formerly used for industrial waste disposal which resulted in groundwater contamination.

Notice of Intended Action was published in the Iowa Administrative Bulletin as ARC 6225A on July 17, 1996. A public hearing was held with notice of the hearing being sent to the City of Cedar Rapids Water Department, Marion Water Department, Linn County Health Department, and seven residents near the Ralston Site. A press release to Cedar Rapids Gazette was also made. Comments were received from two individuals during the public comment period. A responsiveness summary has been prepared addressing the comments.

No changes were made to the amendment as published in the Notice of Intended Action.

This amendment is intended to implement Iowa Code section 455B.262.

This amendment will become effective November 13, 1996.

The following amendment is adopted.

Amend rule 567--53.7(455B) by adding the following **new** subrules:

53.7(1) *Ralston Site, Linn County.* The area within a one-mile radius of a point which is 600 feet south of the midpoint of the northern edge of Section 2, Township 83 North, Range 7 West in Linn County is a protected water source. Any new application for a permit to withdraw groundwater or to increase an existing permitted withdrawal of groundwater from within the protected water source area will be restricted or denied, if necessary to preserve public health and welfare or to minimize movement of groundwater contaminants from the Ralston Site. The Ralston Site is identified in the Registry of Hazardous Waste or Hazardous Substance Disposal Sites pursuant to Iowa Code section 455B.426.

Withdrawal of groundwater from within the protected water source area may also be restricted or denied from what would otherwise be non-regulated wells, if necessary to preserve public health and welfare or to minimize movement of groundwater contaminants from the Ralston Site. The Linn County health department will refer any application for a construction permit for a private well within the protected water source area to the department's water supply section who will, after consultation with the department's geological survey bureau, determine whether the proposed well will be allowed.

53.7(2) Reserved.

Date

Larry J. Wilson, Director

(A copy of the Responsiveness Summary is on file in the department's Records Center)

Mr. Stokes briefly reviewed the rule.

Motion was made by Terrance Townsend to approve Final Rule--Chapter 53, Protected Water Sources. Seconded by Verlon Britt. Motion carried unanimously.

APPROVED AS PRESENTED

FINAL RULE--CHAPTERS 65, 68 AND 121, NAVIGABLE WATERS AND MANURE APPLICATION

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

Attached for the Commission's approval is a Final Rule which would:

- Amend Table 1, Navigable Rivers and Streams, and Table 2, Navigable Lakes, of Chapter 65, Animal Feeding Operations, to designate additional rivers, streams and lakes as navigable waters subject to separation distances for animal feeding operation structures. The amendments also correct location/description errors on the existing lists and remove waters found to not meet the navigability test of HF519.
- Amend the references to "Guidelines of Iowa Water Quality Commission on Land Disposal of Animal Wastes" contained in Chapter 68, Commercial Septic Tank Cleaners, and Chapter 121, Land Application of Wastes, to reflect the manure disposal requirements of Chapter 65, Animal Feeding Operations.

Five public hearings were held and written comments were accepted through August 12, 1996. One written comment was received, asking that Eagle Lake in Hancock County be added to the list of navigable lakes (Table 2). Eagle Lake is a 900 acre shallow lake/marsh approximately 3 miles Northeast of Britt that is owned by the state and used for waterfowl hunting. The lake supports duck hunting boats and meets the navigable water definition of HF519. The Final Rule as proposed includes Eagle Lake.

The only other change from the amendments as proposed in the NOIA is one minor location correction.

**Environmental Protection Commission [567]
Adopted and Filed**

Pursuant to the authority of Iowa Code Supplement section 455B.173(13), the Environmental Protection Commission amends Chapter 65, Animal Feeding Operations, Chapter 68, Commercial Septic Tank Cleaners, and Chapter 121, Land Application of Wastes.

The amendments as adopted by the Environmental Protection Commission modify Table 1, "Navigable Rivers and Streams," and Table 2, "Navigable Lakes," of Appendix B of Chapter 65 by adding new streams, rivers and lakes to the lists; by removing streams which were found to be not navigable; and by correcting errors in the descriptions or locations of navigable waters previously listed in Tables 1 and 2. Tables 1 and 2 identify the streams, rivers, and lakes that are subject to the separation distance established in Iowa Code Supplement section 455B.204 for animal feeding operations for certain navigable waters. The amendments also make non-substantive changes to Chapter 68, "Commercial Septic Tank Cleaners" and Chapter 121, "Land Application of Solid Waste" to reflect the animal manure management requirements of Iowa Code Supplement section 455B.201 and Chapter 65 rules.

Notice of Intended Action was published in the July 17, 1996 Iowa Administrative Bulletin as ARC 6581A. Five public hearings were held and comments were accepted through August 12.

One comment was received, asking that Eagle Lake in Hancock County be added to the list of navigable lakes.

The amendments as adopted are identical to the amendments as published in the Notice of Intended Action with the exception of the addition of Eagle Lake to Table 2 and the correction of one location error.

These amendments are intended to implement Iowa Code Supplement section 455B.173(13) and will become effective on November 13, 1996.

The following amendments are adopted:

ITEM 1. 567-Chapter 65, Appendix B, Table 1, "Navigable Rivers and Streams," is amended by adding the following new stream segments.

| COUNTY | RIVER/STREAM | LOCATION |
|---------------|------------------------------|---------------------------------------------------------------|
| Blackhawk | Buck Creek | All |
| | Crane Creek | Mouth to North County Line |
| | Miller's Creek | Mouth to West Line, S5, T87N, R12W |
| | Spring Creek | Mouth to Confluence with Little Spring Creek, S11, T87N, R11W |
| Boone County | Squaw Creek | West Line of S8, T85N, R25W to East County Line |
| Bremer County | Crane Creek | South County Line to North Line, S9, T91N, R12W |
| | East Fork Wapsipinicon River | Mouth to North County Line |
| | Little Wapsipinicon River | East County Line to North Line, S2, T92N, R11W |
| | Quarter Section Run | Mouth to West Line, S35, T91N, R13W |
| Buchanan | Buck Creek | Mouth to West County Line |
| | Buffalo Creek | Mouth to Confluence of East and West Branches, S35, T90N, R8W |
| | Little Wapsipinicon River | Mouth to North County Line |
| | Otter Creek | Mouth to Confluence with Unnamed Creek, S9, T90N, R9W |
| Butler | Beaver Creek | All |
| | Boylan Creek | Mouth to North Line, S23, T92N, R18W |
| | Coldwater Creek | Mouth to West Line S5, T93N, R17W |
| | Flood Creek | Mouth to North County Line |
| | Hartgrave Creek | Mouth to West County Line |
| | Johnson Creek | West County Line to Confluence with Beaver Creek |
| Calhoun | South Beaver Creek | Mouth to South County Line |
| | Camp Creek | Mouth to North Line S25, T87N, R33W |
| | Lake Creek | Mouth to West Line S25, T87N, R34W |
| Cherokee | Silver Creek | Mouth to North Line of S34, T90N, R40W |

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|------------------|-----------------------------------|-----------------------------------------------------------------------------|
| Chickasaw | Crane Creek | All |
| | East Fork Wapsipinicon River | South County Line to Confluence with Plum Creek, S16, T95N, R12W |
| | Little Wapsipinicon River | Mouth to North County Line |
| Clayton | Elk Creek | Mouth to Steeles Branch, S26, T91N, R4W |
| | Robert's Creek | Mouth to confluence with Silver Creek, S17, T94N, R5W |
| Delaware | Buffalo Creek | All |
| | Coffin's Creek | Mouth to Road Crossing, Center of S26, T89N, R6W |
| | North Fork Maquoketa River | All |
| | Plum Creek | Mouth to Confluence with Penn's Br., S18, T88N, R3W |
| | South Fork Maquoketa River | Mouth to West County Line |
| Dubuque | Little Maquoketa River | Mouth to Confluence with North Fork Little Maquoketa River, S31, T90N, R1E |
| | North Fork Little Maquoketa River | Mouth to confluence with Middle Fork Little Maquoketa River, S35, T90N, R1E |
| | Lytle Creek | South County Line to Confluence with Buncombe Creek, S19, T87N, R2E |
| | Whitewater Creek | South County Line to confluence with John's Creek, S25, T87N, R1W |
| Fayette | Little Wapsipinicon River | All |
| Floyd County | Flood Creek | South County Line to Road Crossing, S32, T96N, R17W |
| | Rock Creek | Mouth, S24, T97N, R17W to North County Line |
| Greene | Buttrick Creek | Mouth to North County Line |
| Guthrie | Brushy Creek | Mouth to North Line of S35, T81N, R33W (County Road F24 |
| | Mosquito Creek | S36, T81N, R32W to Hwy 4, S17, T81N, R30W |
| | Middle River | South County Line to County Road N54 |
| | Willow Creek | Mouth to North County Line |
| Henry County | Crooked Creek | All |
| Howard | Crane Creek | South County Line to Hwy. 9 |
| | Little Wapsipinicon River | South County Line to North Line S23, T98N, R14W |
| | North Branch Turkey River | Mouth to Highway 9 |
| Jackson | Bear Creek | Mouth to West County Line |
| | Deep Creek | Mouth to South County Line |
| | Lytle Creek | Mouth to North County Line |
| | Prairie Creek | Mouth to Hwy 64, S20, R84N, R3E |
| Jefferson County | Crooked Creek | All |
| Jones | Whitewater Creek | Mouth to North County Line |
| Linn | Buffalo Creek | All |
| Louisa | Honey Creek | Mouth to East Line of S25, T76N, R5W |
| | Short Creek | Mouth to West Line of S6, T75N, R5W |

| | | |
|------------|---------------------------|--------------------------------------------------------------------------------|
| | East Fork Crooked Creek | All |
| | Buffington Creek | Mouth to West Line of S18, T74N, R5W |
| | Indian Creek | Mouth to North Line of S1, T75N, R4W |
| | Otter Creek | Mouth to South Line of S16, T73N, R4W |
| | Roff Creek | Mouth to South Line of S36, T732N, R4W |
| | Johnny Creek | Mouth to East Line of S6, T74N, R4W |
| | Honey Creek | Mouth to South Line of S32, T73N, R3W |
| | (Morning Sun Twp.) | |
| | Smith Creek | Mouth to West and South Lines of S35, T73N, R3W |
| Madison | North Branch North River | Mouth to West County Line |
| | North River | East County Line to East Line of S17, T76N, R28W |
| Mitchell | Deer Creek | Mouth to West County Line, S6, T99N, R18W |
| | Rock Creek | South County Line to Road Crossing, West Line S7, T97N, R17W |
| | Spring Creek | Mouth to North Line of S29, T98N, R16W |
| | Turtle Creek | Mouth to North Line S7, T99N, R15W |
| O'Brien | Ocheydan River | All |
| Palo Alto | Cylinder creek | Mouth to confluence with DD#21, S24, T95N, R32W |
| | Jack Creek | Mouth to West Line of S11, T97N, R33W |
| Pocahontas | North Branch Lizard Creek | Mouth to North Line of S6, T91N, R31W |
| Polk | Indian Creek | All |
| | Walnut Creek | All |
| | Four Mile Creek | Mouth to South Line of S1, T80N, R24W |
| Story | Indian Creek | South County Line to confluence with East and West Branches in S16, T82N, R22W |
| | East Indian Creek | Mouth to Highway 30 |
| | Squaw Creek | Mouth to West County Line |
| | West Indian Creek | Mouth to Highway 30 |
| Webster | South Branch Lizard Creek | Mouth to West County Line |
| Winneshiek | Little Turkey River | All |
| | Turkey River | All |
| Wright | Otter Creek | Mouth to West Line S14, T92N, R26W |

ITEM 2. 567-Chapter 65, Appendix B, Table 2, "Navigable Lakes," is amended by adding the following new waterbodies:

| COUNTY | LAKE | LOCATION |
|-----------|----------------------------------|--------------------------------------------|
| Blackhawk | Mitchell Lake | Waterloo |
| Calhoun | Calhoun Wildlife Area | 4 Miles East of Manson |
| | Hwy. 4 Recreation Area | 1 Mile South of Rockwell City |
| | South Twin Lake | 5 Miles North of Rockwell City |
| Crawford | Ahart/Rudd Natural Resource Area | 2 Miles South of Dow City, S21, T82N, R40W |

| | | |
|-----------|----------------------------------|----------------------------------------------|
| Chickasaw | Airport Park Lake | S35, T96N, R13W |
| | Split Rock Park Lake | 5 Miles Southwest of Fredericksburg |
| Clay | Elk Lake | 3 Miles South, 1 Mile West of Ruthven |
| Dubuque | Heritage Pond | 2 Miles North of Dubuque on Rupp Hollow Road |
| Franklin | Maynes Grove Lake | 4 Miles South of Hampton on Hwy. 65 |
| Hamilton | Andersen Lake/Marsh | 1 Mile East of Jewell |
| | Bjorkboda Marsh | S36, T86N, R26W |
| | Gordons Marsh | S33 and 34, T88N, R26W |
| Hancock | Eagle Lake | 3 Miles Northeast of Britt |
| Henry | City of Westwood Pond | S11, T71N, R7W |
| | Gibson Park Pond | S28, T71N, R7W |
| | East Lake Park Pond | Mt. Pleasant |
| | Crane's Pond | Mt. Pleasant |
| Louisa | Cone Marsh | 10 Miles Northwest of Columbus Jct. |
| | Indian Slough | 4 Miles Northwest of Wapello |
| | Iowa Slough | 3 Miles Southeast of Oakville |
| Marion | Roberts Creek Lake | S28, 29, 33 and 34, Summit Twp, |
| Monona | Utterback Pond | 3 Miles North, 3 Miles West of Castana |
| | Peters Park Pond | 1 Mile East of Rodney |
| O'Brien | Hagan Wildlife Pond | |
| | Negus Wildlife Area Pond | S30, T94N, R39W |
| | Tjossem Park Ponds | S6 T95N, R40W |
| Osceola | Ashton Park Lake | S14, T98N, R42W |
| | Ashton Pits Access Area | S11, T98N, R42W |
| | Iowa Lake | S9, T100N, R39W |
| | Leinen Pits | S25, T99N, R42W |
| | May City Pit | S5, T98N, R39W |
| | Ocheyedan Pits | S24, T99N, R40W |
| | Peters Pits | S19, T100N, R42W |
| | Thomas Pit | S36, T99N, R40W |
| | Willow Creek Lake | S31, T100N, R40W |
| Palo Alto | Virgin Lake | 2 Miles South of Ruthven |
| | Rush Lake | 9 Miles West of Mallard |
| Plymouth | Hillview Lake | 1 Mile Northwest of Hinton |
| | Silver Maple Primitive Area Lake | 3 Miles Southeast of Akron |
| | Southeast Wildwood Park Pond | 3 Miles Northeast of Kingsley |
| Polk | Two Dam Pond | Jester Park near Polk City |
| | Skull Pond | Jester Park near Polk City |
| | Teal Pond | Jester Park near Polk City |
| | Case's Lake | Des Moines, S13, T78N, R24W |
| | Carney Marsh | Ankeny |
| | Yellow Banks Park Pond | 4 Miles Southeast of Pleasant Hill |
| | Thomas Mitchell Park Pond | 2 Miles Southwest of Mitchellville |
| | Engledinger Marsh | 6 Miles Northwest of Bondurant |
| Story | McFarland Lake | 4 Miles Northeast of Ames |
| | Dakin's Lake | 1/2 Mile North of Zearing |
| | Hendrickson Marsh | 3 Miles Northeast of Collins |

Wayne Medicine Creek Wildlife Area 6 Miles East of Lineville
Complex
Wright Wall Lake 10 Miles Southeast of Clarion

ITEM 3. 567-Chapter 65, Appendix B, Table 1, "Navigable Rivers and Streams," is amended as follows:

| COUNTY | RIVER/STREAM | LOCATION |
|----------------|-------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------|
| Allamakee | Paint Creek | Mouth Confluence with Little Paint Creek, S33, T97N, R3W, upstream to Road Crossing in S18, T97N, R4W |
| | Yellow River | Mouth, S34, T96N, R3W to West Line S24, T96N, R5W Confluence with Upper Branch Yellow River, S4, T96N, R6W |
| Appanoose | North Chariton River | Rathbun Lake to Hwy. 14 |
| Benton | Bear Creek | North Benton County Line to Mouth at Cedar River, S21, T86N, R10W |
| | Opossum Creek | SE¼ S5, T84N, R9W to East Benton/Linn County Line |
| Buchanan | Beaver Creek | All |
| Buena Vista | Hartgraves Creek | West County Line to Mouth at West Fork of Cedar River |
| Calhoun | Cedar Creek | South County Line to S31, T87N, R31W Confluence with West Cedar Creek |
| Cedar | Clear Creek | East Line of S21, T82N, R4W to Mouth at Cedar River |
| Clayton | Maquoketa River | South County Line Confluence with South Fork Maquoketa River, S16, T90N, R6W Delaware County, upstream to North Line S31, T91N, R6W |
| Clinton | Drainage Ditch 12 | South West Line of S30, T82N, R2E to Mouth at the Wapsipinicon River |
| | Harts Mill Creek | South East Line of S8, T81N, R6E to Mouth at Mill Creek |
| Delaware | Twin Springs Creek | Mouth, S2, T90N, R4W, to Spring Source S12, T90N, R4W |
| Dubuque County | Catfish Creek | Mouth to North Line of S16, T88N, R2E, to South Line S17, T88N, R2E |
| | North Fork Maquoketa River | All South County Line to Confluence with Hewitt Creek, Sec. 29, T89N, R2W |
| Fayette | Bass Creek a/k/a Turners | Mouth, S3, T95N, R9W to West Line S3, T95N, R9W |
| | Volga River | East County Line to South Line S22, T93N, R8W Confluence with Little Volga River, S2, T92N, R9W |
| Grundy | North Black Hawk Creek | NE¼ S8, T88N, R15W to Blackhawk |

| | | |
|------------|---------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------|
| | Wolf Creek | <u>County Line Mouth</u> N½ of S31, T86N, R17W to Black Hawk <u>Tama County Line</u> |
| Hamilton | Skunk River | <u>South County Line to Hwy. 175 County Road D41</u> |
| Howard | Turkey River | East Line S12, T98N, R11W to Hwy. 9 County Line to West Line of S1, T98N, R12W |
| | Upper Iowa River | East Line S12, T100N, R11W to North Line S11, T100N, R14W All |
| | Wapsipinicon River | South Line S17, T97N, R14W to West Line S19, T98N, R14W All |
| Keokuk | South Fork, English River | West County Line to Mouth at the English River All |
| Louisa | Big Slough Creek | East Line of S7, T74N, R5W to Mouth at <u>Long Buffington Creek</u> |
| Mitchell | Beaver Creek | Mouth at S1, T98N, R16W to North Line S8, T99N, R15W |
| | Wapsipinicon River | Town of McIntire upstream East County Line upstream to North Line S20, T100N, R15W |
| Muscatine | Mud Creek | West Line of S5, T78N, R1E to Mouth at <u>Mississippi River-Sugar Creek</u> |
| Plymouth | North Branch, Lizard Creek | North Line of S6, T91N, R31W to Mouth with Lizard Creek |
| Sioux | Roeck River | All |
| Wayne | North Chariton River | Rathbun Lake to Hwy. 14 All |
| Winneshiek | Bear Creek | Confluence with North Bear Creek S25, T100N, R7W upstream <u>East County Line to County Road A24 in S34, T100N, R15W</u> |
| | Canoe Creek | County Road W38N, S23, T99N, R8W upstream East County Line to West Line S8, T99N, R8W |
| | Nichols Creek | Mouth S18, T100N, R10W to West Line S18, T100N, R10W |
| | Silver Creek | Mouth at Upper Iowa river to North Line S26, T100N, R9W |

ITEM 4. 567-Chapter 65, Appendix B, Table 2, "Navigable Lakes," is amended as follows:

| COUNTY | LAKE | LOCATION |
|-----------|------|---------------------------------------|
| Palo Alto | Elk | 1 mile West, 3 miles South of Ruthven |

ITEM 5. Amend Subrule 68.9(2) as follows:

68.9(2) Disposal of waste from animal confinement feeding operations shall be consistent with the guidelines in provisions of 567--Chapter 65 for land disposal of animal wastes. ~~Animal wastes from an animal confinement feeding operation shall be applied in accordance with the provisions applicable for that facility.~~

ITEM 6. Amend Subrule 121.1(1) as follows:

121.1(1) General. This chapter shall apply to the land application of solid wastes, except domestic septage, sewage sludge, animal manure, animal bedding and crop residue. Land application of animal manure should be in conformance with ~~"Guidelines of Iowa Water Quality Commission on Land Disposal of Animal Wastes"~~ following the provisions of 567—Chapter 65. Land application of water supply sludge and certain other approved wastes is governed by 121.2(455B). Land application of other waste without a permit is governed by 121.3(455B). Land application of wastes which require a permit is governed by 121.4(455B). These rules establish permit requirements and exemptions for home and crop use and general exemptions for other wastes, contamination levels and other requirements for the disposal of solid wastes by land application. Land application of sewage sludge is governed by 567—Chapter 67.

Mr. Stokes reviewed details of the rule and noted that one written comment was received.

Motion was made by Charlotte Mohr to approve Final Rule--Chapters 65, 68, and 121, Navigable Waters and Manure Application. Seconded by William Ehm. Motion carried unanimously.

APPROVED AS PRESENTED

PROPOSED RULE--CHAPTERS 100 AND 102, SPECIAL WASTE AUTHORIZATIONS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission is advised that Chapter 100 and 102 are intended to be amended to revise the Special Waste Authorization requirements by deleting the allowance for toxic and hazardous waste disposal in a landfill and to define Special Waste and establish requirements for when a Special Waste Authorization is needed. The attached rules are being provided to the Commission for information only at this meeting. The Commission will be asked to approve a Notice of Intended Action at their October 1996 meeting.

Environmental Protection Commission [567] Notice of Intended Action

Pursuant to the authority of Iowa Code Chapter 455B, the Environmental Protection Commission hereby gives Notice of Intended Action to adopt amendments to Chapter 100,

"Scope of Title--Definitions--Forms--Rules of Practice," and Chapter 102, "Permits," Iowa Administrative Code.

These proposed amendments establish rules governing the issuance of Special Waste Authorizations by the department.

Any interested person may make written suggestions or comments on the proposed amendments on or before _____, 1996. Written comments should be directed to Lavoy Haage, Iowa Department of Natural Resources, Wallace State Office Building, 900 East Grand Avenue, Des Moines, Iowa 50319-0034, fax (515)281-8895.

A public hearing will be held on _____, 1996, at _____ in the _____ Conference Room, Wallace State Office Building, Des Moines, Iowa, at which time comments may be presented orally or submitted in writing.

Any persons who intend to attend a public hearing and have special requirements such as hearing or mobility impairments should contact the Department of Natural Resources and advise of special needs.

These amendments are intended to implement Iowa Code Chapter 455B.

The following amendments are proposed.

ITEM 1. Amend rule 567--100.2(455B, 455D) by deleting the definitions of "Industrial sludge" and "Toxic and hazardous wastes" and adding the following new definitions:

"Industrial process wastes" means waste that is generated as a result of manufacturing activities, product processing or commercial activities. It does not include office waste, cafeteria waste, or other types that are not the direct result of production processes.

"Pollution control waste" means any solid waste residue extracted by, or resulting from the operation of pollution control equipment.

"Special wastes" means any industrial process waste, pollution control waste, or toxic waste which presents a threat to human health or the environment or a waste with inherent properties which make the disposal of the waste in a sanitary landfill difficult to manage. Special waste does not include domestic, office, commercial, medical, or industrial waste that does not require special handling or limitations on its disposal. Special waste does not include hazardous waste which are regulated under the Federal Resource Conservation and Recovery Act (RCRA), hazardous waste as defined in Iowa Code section 455B.411, subsection 3, or hazardous wastes included in the list compiled in accordance with Iowa Code section 455B.464.

"Toxic wastes" means materials containing poisons, biocides, acids, caustics, pathological wastes, and similar harmful wastes which may require special handling and disposal procedures to protect the environment and the persons involved in the storage, transport and disposal of the wastes.

Item 2. Rescind subrule 100.3(2) in its entirety.

Item 3. Amend subrule 102.15(2) by striking all except paragraph "d" (which shall be relettered as paragraph "g") and replacing it with the following new language:

102.15(2) Special waste authorization required.

a. No special wastes shall be delivered to or accepted by a sanitary disposal project unless authorized by a special waste authorization (SWA) issued by the department. Wastes for

which an SWA has been issued shall be disposed in accordance with the instructions, conditions and limitations contained in the SWA. Certain infectious wastes may be disposed of without an SWA if they meet the requirements of paragraph "g" of this subrule.

b. Application for a special waste authorization shall be made by submitting the form "Request for Special Waste Authorization" accompanied by supporting data as required by the department.

c. The application for a special waste authorization shall include the following information: chemical composition of the waste; physical form of the waste; volume of the waste to be disposed; and any other information required by the department.

d. Applicants are responsible for providing information, including toxicity characteristic leachate procedure (TCLP) test results, when appropriate, showing that none of the federal limits listed herein are exceeded.

| | |
|--------------------------------|------------|
| Arsenic | 5.0 mg/l |
| Barium | 100.0 mg/l |
| Benzene | 0.5 mg/l |
| Cadmium | 1.0 mg/l |
| Carbon Tetrachloride | 0.5 mg/l |
| Chlordane | 0.03 mg/l |
| Chlorobenzene | 100.0 mg/l |
| Chloroform | 6.0 mg/l |
| Chromium | 5.0 mg/l |
| o-Cresol | 200.0 mg/l |
| m-Cresol | 200.0 mg/l |
| p-Cresol | 200.0 mg/l |
| Cresol | 200.0 mg/l |
| 2, 4-D | 10.0 mg/l |
| 1, 4 Dichlorobenzene | 7.5 mg/l |
| 1, 2 Dichlorethane | 0.5 mg/l |
| 1, 1 Dichlorethylene | 0.7 mg/l |
| 2, 4 Dinitrotoluene | 0.13 mg/l |
| Endrin | 0.02 mg/l |
| Heptachlor (and its Hydroxide) | 0.008 mg/l |
| Hexachlorobenzene | 0.13 mg/l |
| Hexachloro-1, 3-butadiene | 0.5 mg/l |
| Hexachloroethane | 3.0 mg/l |
| Lead | 5.0 mg/l |
| Lindane | 0.4 mg/l |
| Mercury | 0.2 mg/l |
| Methoxychlor | 10.0 mg/l |
| Methly ethyl ketone | 200.0 mg/l |
| Nitrobenzene | 2.0 mg/l |
| Pentachlorophenol | 100.0 mg/l |
| Pyridine | 5.0 mg/l |
| Selenium | 1.0 mg/l |

| | |
|-------------------------|------------|
| Silver | 5.0 mg/l |
| Tetrachloroethylene | 0.7 mg/l |
| Toxaphene | 0.5 mg/l |
| Trichloroethylene | 0.5 mg/l |
| 2, 4, 5-Trichlorophenol | 400.0 mg/l |
| 2, 4, 6-Trichlorophenol | 2.0 mg/l |
| 2, 4, 5-TP (Silvex) | 1.0 mg/l |
| Vinyl Chloride | 0.2 mg/l |

- e. The waste must contain no free liquids as determined by the paint filter liquids test.
- f. The waste must not be a listed hazardous waste or meet the criteria for characteristic hazardous waste pursuant to the Federal Resource Conservation and Recovery Act (RCRA).

~~d.~~ g. Infectious waste which is generated and treated at a medical clinic, doctor's office, nursing care facility, health care facility, dentist's office or other similar facility may be placed with regular municipal solid waste and not handled in a special way if it is rendered nonpathological, does not contain free liquids, and sharps are shredded, blunted, granulated, incinerated or mechanically destroyed. The generator of the infectious waste must notify the waste hauler and the sanitary landfill that infectious waste is being placed with regular municipal solid waste and, with the notice, certify that the infectious waste is properly treated in accordance with the requirements of this subrule.

- h. Applications with supporting documentation should be sent to:

Special Waste Authorizations
Solid Waste Section
Department of Natural Resources
Henry A. Wallace Bldg.
900 East Grand Ave.
Des Moines, IA 50319

- i. Wastes with PCB concentrations equal to or greater than 50 ppm will not be authorized for disposal at a landfill.

j. Polynuclear aromatic hydrocarbon (PAH) contaminated soil will not be authorized for disposal at a landfill if the total PAH level exceeds 500 ppm for the following compounds: Acenaphthene, Acenaphthylene, Anthracene, Benzo(a)Anthracene, Benzo(a)Pyrene, Benzo(b)Fluoranthene, Benzo(g,h,i)Perylene, Benzo(k)Fluoranthene, Chrysene, Dibenzo(a,h)Anthracene, Fluoranthene, Fluorine, Indeno(1,2,3-cd)Pyrene, Naphthalene, Phenanthrene, and Pyrene or if the total carcinogenic PAH level exceeds 100 ppm for the following compounds: Benzo(a)Anthracene, Benzo(b)Pyrene, Benzo(b)Fluoranthene, Benzo(k)Fluoranthene, Chrysene, Dibenzo(a,h)Anthracene, Indeno(1,2,3-cd)Pyrene, Phenanthrene and Pyrene, or if the cyanide level exceeds 1,000 ppm.

- j. Special waste authorizations may be issued for a period not to exceed three years.

k. The department may revoke an SWA for cause at any time. Such cause may include, but is not limited to, evidence that indicates the quantity or quality of the waste varies from the authorized values; evidence that the continued disposal of the waste as authorized may pose a

threat to the public health or the environment, or failure to comply with any condition in the SWA.

l. The department must be notified within thirty days of any change in the quantity or quality of the wastes being disposed.

m. The holder of an SWA must apply for a desired renewal at least 30 days prior to the expiration of the SWA.

n. The issuance of an SWA does not obligate any waste disposal facility to accept the wastes nor does it preclude them from imposing conditions or restrictions other than those listed in the SWA.

o. The issuance of an SWA does not exempt the person disposing of the waste from any local, state or federal laws or regulations.

Date

Larry J. Wilson, Director

Mr. Stokes presented details of the proposed rules and noted that the rules will be presented next month for the Commission's approval to take to public notice.

INFORMATIONAL ONLY

FINAL RULE--CHAPTER 103, SANITARY LANDFILLS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission is asked to approve the attached final rule amendment which will require the installation of a liner and cap on municipal solid waste landfills that is equivalent to the requirements of the federal EPA Subtitle D regulations. The proposed amendment will satisfy the requirements in order for the state of Iowa to become an approved state under the federal Resource Conservation and Recovery Act (RCRA) Subtitle D (40 CFR 257 & 258 Solid Waste Disposal Facility Criteria).

ENVIRONMENTAL PROTECTION COMMISSION [567] Adopted and Filed

Pursuant to the authority of Iowa Code section 455B.304 the Environmental Protection Commission hereby adopts amendments to Chapter 103, "Sanitary Landfills."

This rule establishes regulations which are necessary in order for the State of Iowa to become an approved state under the auspices of the federal EPA Resource Conservation and Recovery Act (RCRA) Subtitle D program (40 CFR Part 258). In order to become an approved state it is necessary to amend Chapter 103 to require the installation of liners and caps on

municipal solid waste landfills that are equivalent to the requirements of the federal Subtitle D regulations.

It is desirable for the State of Iowa to be an approved state so that, 1) municipal solid waste landfills in Iowa would have to meet only one set of regulations (state regulations) instead of both state and federal regulations; and (2) the municipal solid waste landfills in Iowa would have more flexibility for their operations to comply with the regulations. Subtitle D regulations provide for more flexibility if a state is an approved state.

A public hearing was held on July 9, 1996, at 1:00 p.m. in the Fourth Floor Conference Room of the Wallace State Office Building, E 9th and Grand Ave., Des Moines. No written or oral comments were received at the hearing. A set of comments was received from one commentator, Browning-Ferris Industries (BFI). These comments stated support for promulgation of the proposed rule amendment, therefore, no changes to the proposed rule were made. In addition, BFI discussed several other issues relating to implementation of the Federal regulations that may warrant the Departments concern, involvement, and commitment.

One revision was made by staff to subparagraph 103.2(1)d(1) in an attempt to clarify when the rule would apply to the installation of a liner or cover system. The original wording, "The requirements are effective (*date to be inserted*) and apply to liner and cover systems that have not been approved by the department by that date." could allow the old liner and cover system to be installed in some landfills years after the effective date. It was intended that any new liner or cover system installed after the effective date comply with the new design requirements. The revised language reads, "The requirements are effective (*date to be inserted*) and apply to liner and cover systems that have not been installed by that date."

These amendments may impact small businesses.

These amendments are intended to implement Iowa Code section 455B.304.

The following amendments are adopted.

ITEM 1. Amend subrule 103.2(1) paragraph "d," as follows:

d. A liner system that meets the following requirements, depending upon the type of waste material disposed:

(1) Municipal solid waste landfills (MSWLFs) shall have a composite liner system consisting of two components. The upper component must consist of a minimum 30-mil flexible membrane liner (FML), and the lower component must consist of at least a two foot layer of compacted soil as specified in sub paragraph 103.2(1)d(2). FML components consisting of high density polyethylene (HDPE) shall be at least 60-mil thick. The FML must be installed in direct and uniform contact with the compacted soil component.

The requirements for MSWLF facilities under this subparagraph are effective (*date to be inserted*) and apply to liner and cover systems that have not been installed by that date.

(2) Non-municipal solid waste landfills may utilize a liner system meeting 103.2(1)d(1) or shall have a soil liner consisting of at least four feet of re-compacted soil. The description, source and volume of the material to be used for the landfill liner, including the method of installation, must be provided. The portion of the site to be filled must have a soil liner consisting of at least four feet of recompact soil. The coefficient of permeability must be 1 x

10^{-7} cm/sec (0.00028 ft/day) or less as determined by appropriate laboratory analysis. The percent of standard or modified proctor density at moisture contents consistent with expected field conditions and corresponding to a measured coefficient of permeability equal to or less than 1×10^{-7} cm/sec shall be determined in the laboratory. The soil shall be placed in lifts not to exceed eight inches in thickness. A minimum of one field density test shall be performed per lift per acre to verify that the density determined by the laboratory analysis as correlated to permeability has been achieved. Results of field density tests shall be submitted to the department prior to the placement of solid waste.

ITEM 2. Amend subrule 103.2(1) paragraph "e," as follows

e. Alternative liner systems:

(1) The department may approve an alternative to the liner system specified in subparagraph 103.2(1)d(1) provided that the alternative liner system design has included certification by a professional engineer registered in Iowa stating that the proposed alternative liner system will ensure that the contaminant concentration values listed in federal regulations under 40 CFR 258, Subpart D, Table 1, will not be exceeded in the uppermost aquifer at the designated monitoring points of compliance as specified by the department. This point of compliance shall be no more than 150 meters from the waste management boundary.

This point of compliance is to be utilized for the purpose of certifying the alternative design only. All operational issues related to monitoring systems, compliance determinations, groundwater assessments, and remedial measures are governed by the appropriate relevant sections in 567 Chapter 103 and 567 Chapter 111. The certification shall be on a form furnished by the department which shall include space for identification of the sources of data utilized; formulas, models, tests or other methods utilized to determine contaminant concentrations at the points of compliance; and all references or guidance documents relied upon for the techniques or methods applied. A copy of all data utilized, formulas, models, tests or other methods utilized to determine contaminant concentrations at the point of compliance shall be placed in the facilities official files prior to operation of the landfill.

e- (2) An alternative liner system to that required in subparagraph "d" 103.2(1)d(2) may be approved by the director—~~(1) if: The the design of the liner system is equivalent to the soil liner required in subparagraph "d" 103.2(1)d(2) of this subrule in performance, longevity and protection of the groundwater; or~~ (2) Based based on the specific type of waste to be disposed, the design of the liner system offers equivalent protection of the groundwater. ~~(3) Undisturbed soil will not be allowed for use as liner material.~~

ITEM 3. Amend subparagraph 103.2(11)"a"(4), as follows:

(4) Leachate collection pipe shall be placed in a trench excavated a minimum of 18 inches into the liner. ~~Additional soil must be added~~ The liner system beneath the trench to ~~provide a minimum of four feet of soil liner, as required by~~ shall meet the applicable requirements specified under 103.2(1)"d".

ITEM 4. Amend subrule 103.2(13) as follows:

103.2(13) Closure requirements. The owner or operator of the landfill must close the site in a manner that minimizes the potential for post-closure release of pollutants to the air, groundwater or surface waters.

a. A minimum of two permanent surveying monuments must be installed by a registered land surveyor from which the location and elevation of wastes, containment structures, and monitoring facilities can be determined throughout the post-closure period.

b. The final cover of a non-municipal solid waste landfill shall consist of:

(1) Not less than two feet of compacted soil. The permeability must be 1×10^{-7} cm/sec or less as determined by appropriate laboratory analysis. The percent of standard or modified procter density at moisture content consistent with expected field conditions and corresponding to a measured coefficient of permeability equal to or less than 1×10^{-7} cm/sec shall be determined in the laboratory. The soil shall be placed in lifts not to exceed eight inches in thickness. A minimum of one field density test shall be performed per lift per acre to verify that the density determined by the laboratory analysis as correlated to permeability has been achieved. Results of field density tests shall be submitted to the department. The compacted soil shall be keyed into the bottom liner at the waste cell boundary.

(2) Not less than two feet of uncompacted soil, containing sufficient organic matter to support vegetation. The thickness of this soil layer must be at least the root depth of the planned vegetative cover to prevent root penetration into the underlying soil layers. This layer shall be placed as soon as possible to prevent desiccation, cracking and freezing of the compacted soil layer described in 103.2(13)"b"(1).

(3) A layer of compacted soil, incinerator ash, or similar material permitted by the department may be used to prepare the site for placement of the compacted soil layer described in 103.2(13)"b"(1). **The use of this material will not serve as a replacement for the compacted soil layer described in 103.2(13)"b"(1).**

(4) Alternate methods and materials may be permitted if shown to provide equal or superior performance.

~~(5) Those portions of existing landfills demonstrating placement of final cover in conformance with previously approved plans and specifications or regulations in affect at the time of such approval shall not be required to apply additional cover solely to achieve compliance with 103.2(13)"b"(1) and (2). Those areas of existing landfills which have not been completed in conformance with the exemption provided herein prior to the enactment of this subrule shall complete all such areas in conformance with an approved closure plan pursuant to 567 subrule 102.12(10) and which shall include compliance with the provisions of 103.2(13)"b"(1) and (2). This paragraph shall not preclude a requirement to provide additional cover to such exempted areas as a result of the conclusions of a groundwater assessment or remedial action plan.~~

c. The final cover for a municipal solid waste landfill shall consist of:

(1) An erosion layer underlain by an infiltration layer. The infiltration layer must be comprised of a minimum of 18 inches of earthen material that has a permeability less than or equal to the permeability of any bottom liner system or natural subsoil's present, or a permeability no greater than 1×10^{-5} cm/sec, whichever is less. The erosion layer must consist of a minimum of 6 inches of earthen material that is capable of sustaining native plant growth.

(2) The department may approve an alternate final cover design that includes an infiltration layer that achieves an equivalent reduction in infiltration as the infiltration layer specified above in subparagraph (1) and an erosion layer that provides equivalent protection from wind and water erosion as the erosion layer specified above in subparagraph (1).

d. Those portions of existing landfills demonstrating placement of final cover in conformance with previously approved plans and specifications or regulations in affect at the time of such approval shall not be required to apply additional cover solely to achieve compliance with 103.2(13)"b" and "c". Those areas of existing landfills which have not been completed in conformance with the exemptions provided herein prior to the enactment of this subrule shall complete all such areas in conformance with an approved closure plan pursuant to 567--subrule 102.12(10) and which shall include compliance with the provisions of 103.2(13)"b" and "c". This paragraph shall not preclude a requirement to provide additional cover to such exempted areas as a result of the conclusions of a groundwater assessment or remedial action plan.

e. e. The final cover shall be designed and graded to meet the drainage requirements of 103.2(1)"f." The final cover must have a minimum slope of 5 percent, and shall not exceed a slope of 25 percent. Those portions of existing landfills demonstrating placement of final cover in conformance with previously approved plans and specifications shall not be required to reconstruct the cover to meet either the minimum or maximum slope established by this subrule. Those areas which have not been completed by placement of final cover pursuant to this exemption at the time of enactment of this subrule shall complete all such areas in conformance with an approved closure plan pursuant to 567--subrule 102.12(10) and which shall not preclude a requirement to modify the slope of any portion of the landfill as a result of the conclusion of a groundwater assessment or remedial action plan.

d. f. The final cover shall be seeded as soon as practical upon completion with native grasses or other suitable vegetation to prevent soil erosion. If seeding must be delayed due to summer or winter conditions, silt fences or other structures shall be used to minimize erosion of the final cover until the next season suitable for planting. The placement of cover in conformance with 103.2(13)"b" ~~(1) and (2)~~ and "c" shall not be delayed due to season and shall be placed as soon as the solid waste has reached its maximum design elevation within the cell. Vegetation type shall be based on density and root depth, nutrient availability, soil thickness, and soil type. Alternatives to vegetative cover may be considered to control erosion and promote runoff.

e. g. An approved groundwater monitoring system as required by the closure permit and the rules must be in place and operating.

f. h. An approved leachate collection and treatment system as required by the closure permit and the rules must be in place and operating.

g. i. An approved landfill gas monitoring and collection or ventilation system as required by the closure permit and the rules must be in place or operating unless determined not to be necessary by the director.

h. j. An approved financial assurance instrument, adequate to cover costs of all post-closure activities as required by the closure plan and the closure permit must be provided upon promulgation of the appropriate rules.

i. k. All requirements of the closure plan, the closure permit, and the rules must be satisfied.

Date

Larry J. Wilson, Director

Mr. Stokes briefly reviewed the rules.

Gary Priebe asked if this rule requires all new landfills to put in a rubber liner.

Mr. Stokes replied that they would have to install a rubber liner unless the landfill can demonstrate, based upon the geology and hydrology, that a natural soils liner will meet or exceed the same performance standards as a synthetic membrane liner.

Motion was made by Terrance Townsend to approve Final Rule--Chapter 103, Sanitary Landfills. Seconded by Rita Venner. Motion carried unanimously.

APPROVED AS PRESENTED

APPROVAL OF LIEN - RICHARD R. HANKENSON AND RICHARD R. GAARD

Mike Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

The Commission is requested to approve the attached lien on property, pursuant to Iowa Code section 455B.396. The department has expended moneys as shown in the attachment, and expects to expend more. We are asking for approval as shown, plus approval to file future amendments to the lien for anticipated future amounts of up to \$103,000.00. That way we will not have to come back to the Commission month after month to approve additions to the lien. If future expenditures would exceed \$103,000, we will come back to the Commission for approval of amendment to the contract as well as additional lien amounts, if necessary.

**Prepared by: Victor N. Kennedy, Esq., Wallace State Office Bldg., Des Moines, IA 50319-0034;
Ph: 515/281-8889**

IN THE MATTER OF:

**RICHARD R. HANKENSON, Contract Seller
and
RICHARD R. GAARD, Contract Buyer**

NOTICE OF HAZARDOUS CONDITION CLEANUP LIEN and STATEMENT OF CLAIM

**TO: Richard R. Hankenson, Contract Seller
Contract Buyer
3402 Magnolia Cove
Monroe, LA 71211-6637**

and

**Richard R. Gaard,
710 Center Avenue
Decorah, IA 52101**

Pursuant to Iowa Code Sections 455B.396 and 455B.392, the State of Iowa and the Iowa Department of Natural Resources, gives notice of claim against real estate owned by Richard R. Hankenson, contract seller, and Richard R. Gaard, contract buyer. As provided by these authorities, the following legally described property is subject to a hazardous condition cleanup lien:

Lot 4, Block 30 original Decorah, Lots 2 of 11 of 9, 12 of 9, 13 of 9, and the South 10' of 14 of 9.

NE 1/4, SE 1/4, Section 16, Township 98 Noeth, Range 8 West, Winneshiek County, Iowa, otherwise

known as 125 College Drive, Decorah, Iowa 52101.

The State of Iowa has incurred corrective action costs and expenses authorized under Iowa Code § 455B.392, arising out of contamination from the above described site which constitutes a debt owed to the State of Iowa. Richard R. Hankenson, Contract Seller and Richard R. Gaard, Contract Buyer, are the parties liable for this debt and for which a Lien for the cleanup costs in the amount of \$114,422.91, is claimed by the State of Iowa and the Department of Natural Resources pursuant to Iowa Code Section 455B.392(7).

Expenses incurred to the date of filing of this notice are as follows. Additional expenses are expected to be incurred as work continues which may increase the amount of the lien.

These claims by the state may be appealed to the Environmental Protection Commission by any person receiving this notice of claim by filing a notice of appeal with the undersigned Director within thirty days after receiving this notice, all pursuant to Iowa Code section 455B.392.

| Work Period | Expenses Incurred | Expenses Paid | Date Paid |
|---------------|-------------------|------------------|-----------|
| 6/92 to 9/95 | \$48,416.34 | \$48,418.34 | 5/10/96 |
| 7/95 to 9/95 | 19,362.03 | 19,362.03 | 12/15/95 |
| 10/95 to 2/96 | 11,015.57 | 11,015.57 | 8/2/96 |
| 3/96 to 6/96 | <u>35,628.97</u> | <u>35,628.97</u> | 7/30/96 |
| | 114,422.91 | 114,422.91 | |

Dated this _____ day of _____, 1996

Larry J. Wilson, Director
Iowa Department of Natural Resources

Mr. Murphy stated that this matter relates to the earlier item the Commission considered on the Decorah cleanup contract. He related that there is a piece of property being purchased on contract by Richard Gaard, which is the source of contamination. The law provides that the money expended for cleanup is a claim against the responsible party and also can be filed as a lien against the property owner. Mr. Murphy noted that there is some indication that sale of the property is being considered, and the department needs to get a lien on file so as to protect the state's financial interest in the site. He added that Mr. Gaard has been cooperative but has not

been financially able to help out on it, and staff want to avoid the situation where he could profit from it.

Motion was made by Charlotte Mohr to approve the lien on Richard R. Hankenson and Richard R. Gaard as presented. Seconded by Terrance Townsend. Motion carried unanimously.

APPROVED AS PRESENTED

REFERRALS TO THE ATTORNEY GENERAL

Mike Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

The Director requests the referral of the following to the Attorney General for appropriate legal action. Litigation reports have been provided to the Commissioners and are confidential pursuant to Iowa Code section 22.7(4). The parties have been informed of this action and may appear to discuss this matter. If the Commission needs to discuss strategy with counsel on any matter where the disclosure of matters discussed would be likely to prejudice or disadvantage its position in litigation, the Commission may go into closed session pursuant to Iowa Code section 21.5(1)(c).

Fred Humiston, dba Cedar River Trailer Park (Louisa County) - drinking water

ESCORP Associates Ltd. and Arnold C. Olson (Monticello) - penalty collection

Fred Humiston, dba Cedar River Trailer Park

Mr. Murphy briefed the Commission on the history of this case involving drinking water violations at a trailer park.

Brief discussion followed regarding the recently hired certified operator and MCL violations.

Motion was made by Terrance Townsend for referral to the Attorney General's Office. Seconded by Verlon Britt. Motion carried unanimously.

REFERRED

ESCORP Associates Ltd. and Arnold C. Olson

Mr. Murphy briefed the Commission on the history of this case involving collection of a penalty for asbestos violations.

Motion was made by Charlotte Mohr for referral to the Attorney General's Office. Seconded by Terrance Townsend. Motion carried unanimously.

REFERRED

RISK BASED CORRECTIVE ACTION (RBCA) PRESENTATION

Mr. Stokes reviewed the history of the RBCA rules process and introduced Keith Bridson, UST Section Supervisor, who will make the educational presentation on RBCA.

Keith Bridson reviewed the Tier 1 Process he discussed at a previous Commission meeting. He explained the three tiers of assessment. Mr. Bridson gave a detailed presentation of Tier 2 covering the following topics: Tier 2 Plume for Actual Groundwater Ingestion; Tier 2 Exposure; Tier 2 Simulation Model; Tier 2 Site Specific Target Level; Graph for Actual Groundwater Ingestion; Risk Classification; Reclassifying a Pathway - High Risk to No Further Action; Soil Leaching to Groundwater Pathway; Groundwater Vapor to Enclosed Space Pathway; Soil Gas Sampling for Groundwater Vapor Pathway; Soil Vapor to Enclosed Space Pathway; Groundwater to Plastic Line Pathway; and Surface Water Pathway. Mr. Bridson noted that he will cover RBCA - Part 3 during the next session.

INFORMATIONAL ONLY

REFERRALS TO THE ATTORNEY GENERAL (REVISITED):HUMISTON, FRED

Chairperson King stated that the Commission will need to revisit the referral for Fred Humiston as it was tabled last month and needed to be removed from the table.

Motion was made by William Ehm to remove the Fred Humiston referral from the table. Seconded by Terrance Townsend. Motion carried unanimously.

REMOVED FROM TABLE

Motion was made by Terrance Townsend for referral to the Attorney General's Office. Seconded by Verlon Britt. Motion carried unanimously.

REFERRED

GENERAL DISCUSSION

Thiry Lake

Chairperson King asked Mr. Stokes to clarify what staff will do on the Thiry Lake situation.

Mr. Stokes stated that he will give a status update next month regarding what the department has received in plans and specifications from the county. He added that in terms of the wastewater treatment facility staff will attempt to get some clarification of what EPA's current stance is, relative to the site.

Air Program (rules/budget)

Charlotte Mohr commented that she takes issue with Mr. Hess coming in this morning as it could have been solved in a phone call. She added that it was unnecessary for him to come in and say what he did today.

Chairperson King asked about the concerns expressed on the air budget.

Mr. Stokes stated that he will give a full run-through of the air budget at the next Commission meeting including responses to the questions presented by the stakeholders as well as details on the increase in the budget.

Terrance Townsend indicated that he would like a monthly update on this issue and would like to know about any items with an increase of 20% or greater.

Other

Charlotte Mohr asked if Don Paulin would want to comment on the news release regarding the DeCoster case.

Mr. Stokes related that it was provided merely for information purposes to the Commission.

Gary Priebe asked about the status of developing separation distances for composting sites.

Mr. Stokes stated that he will put together a group of people to work on it.

ADDRESS ITEMS FOR NEXT MEETING

Chairperson King stated that Maytag will not be ready for the Commission to go through their facility and requested that the tour be deferred until spring.

She requested that the Commission be given a tour of the Ingram Building at the next Commission meeting.

NEXT MEETING DATES


October 21, 1996

November 18, 1996

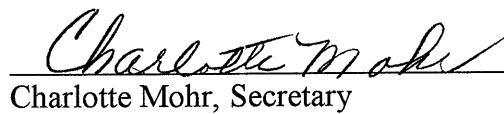
December 16, 1996

ADJOURNMENT

With no further business to come before the Environmental Protection Commission, Chairperson King adjourned the meeting at 3:40 p.m., Monday, September 16, 1996.


Larry J. Wilson, Director


Rozanne King, Chair


Charlotte Mohr, Secretary

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